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1991

URBAN/MUNICIPAL

MARCH 6, 1991 - APRIL 24th

AGENDAS AND MINUTES
OF PLANNING AND
DEVELOPMENT COMMITTEE

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1991 February 28

URBAN MUNICIPAL

1991 FEB 28

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 March 6th
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

AGENDA

DELEGATION

AA. Planning Initiatives Ltd. - Request for a Carpenter Neighbourhood Plan Review.

1. Consent Agenda.

DIRECTOR OF PUBLIC WORKS (COMMUNITY RENEWAL SECTION)

2. Application for funds under the Job Development Grant Programme.

DIRECTOR OF LOCAL PLANNING

3. City comments on Town of Ancaster Official Plan Amendment No. 39.
4. Site Plan Control Application 90-92, ABD Technology Inc., owners of land known as 55 Lancing Drive; Rymal Neighbourhood.
5. Update - Day Nurseries By-law No. 90-248. (no report)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

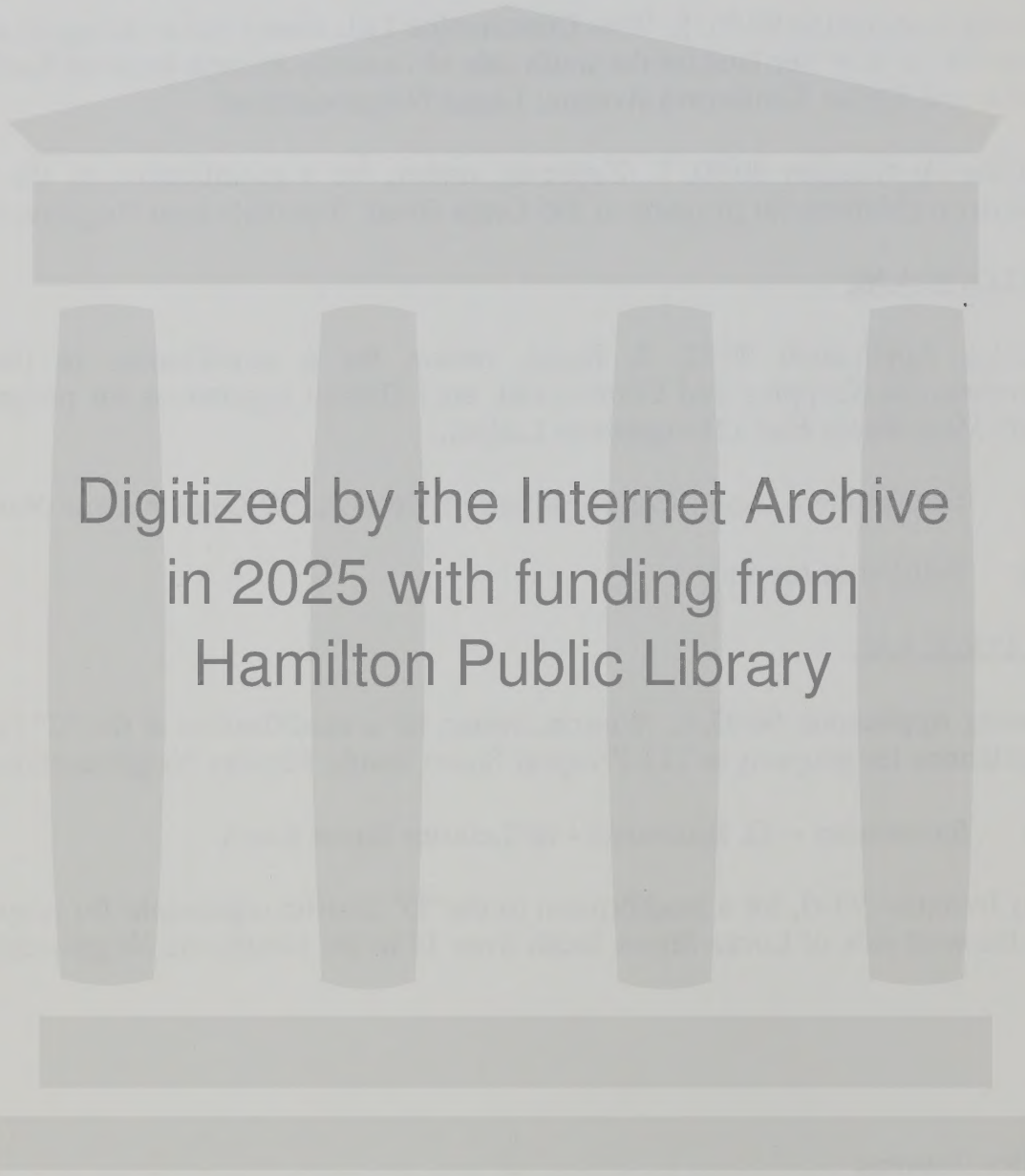
6. Zoning Application 90-93, S. Wise Construction Ltd., owner, for a change in zoning from "D" to "R-4" for land on the south side of Landron Avenue between Lockheed Drive and Upper Kenilworth Avenue; Lisgar Neighbourhood.
7. Zoning Application 90-90, I. Zupancic, owner, for a modification to the "HH" District regulations for property at 298 Grays Road; Riverdale East Neighbourhood.

10:45 O'CLOCK A.M.

8. Zoning Application 90-91, J. Kozar, owner, for a modification to the "H" (Commercial Shopping and Commercial, etc.) District regulations for property at 1605 Main Street East (Montgomery Lodge).
 - (a) Submission - Liquor Control Board of Ontario, 202 Gage Avenue North.
 - (b) Petition of support.

11:00 O'CLOCK A.M.

9. Zoning Application 90-83, C. Watson, owner, for a modification to the "C" District regulations for property at 111 Prospect Street South; Stipeley Neighbourhood.
 - (a) Submission - G. Sanmartin - 86 Leinster Street South.
10. City Initiative 90-H, for a modification to the "D" District regulations for properties on the west side of Locke Street South from 18 to 64; Strathcona Neighbourhood.
11. Other Business.
12. Adjournment.



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CA4 ON HBL AQS
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1991Wednesday, 1991 February 6
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Acting Chairman

Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Wilson
Alderman M. Kiss
Alderman V. Formosi
Alderman D. Ross

Regrets: Alderman F. Lombardo, Chairman - Vacation
Alderman H. Merling - Vacation

Also present: Alderman T. Jackson
Alderman G. Copps
Alderman T. Cooke
Alderman B. Hinkley
Mr. D. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. B. Janssen, Planning Department
Mr. D. Godley, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. P. Hooker, Law Department
Mr. P. Mallard, Planning Department
Mr. J. Robinson, Building Department
Ms. J. McNeilly, Public Works Department
Mr. L. King, Building Commissioner
Mrs. N. Chapple, Planning Department
Ms. P. Noé Johnson, City Solicitor
Mr. R. Karl, Traffic Department
Mr. B. Allick, Building Department
Mr. L. Farr, Law Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

DIRECTOR OF PUBLIC WORKS

A. 1989-1990 Annual Audited Statements - Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.) Wesley Urban Ministries.

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 28, respecting the above-noted matter and approved the following:

That the Wesley Urban Ministries Inc. financial statements for 1989 January 01 to 1991 March 31, audited by Pannell Kerr MacGillivray for the loan given by the City of Hamilton and the Ministry of Municipal Affairs and Housing under the Neighbourhood Improvement Programme to the Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada for the construction and development of the Kirkendall-Strathcona Neighbourhood House be adopted.

Note: Copies of the financial statements were presented to the Planning and Development Committee and are available from the Committee Secretary upon request.

COMMISSIONER OF PLANNING AND DEVELOPMENT

B. Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 28, respecting the above-noted matter and approved the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).

DIRECTOR OF PROPERTY

C. MacNab Street Truck Tunnel Easement to The Dominion Realty Company Limited.

The Committee was in receipt of a report from the Director of Property dated 1991 January 22, respecting the above-noted matter and approved the following:

- (a) That the City of Hamilton enter into an Agreement with The Dominion Realty Company Limited for the purpose of the City granting to Dominion Realty an easement to enter onto and use the truck route beneath Lloyd D. Jackson Square, King Street West and MacNab Street South, as a right-of-way for vehicular access for the purpose of providing access to the Dominion lands for Dominion, its tenants and suppliers. The easement will be enjoyed and used until 2069 October 31.
- (b) That the Mayor and City Clerk be authorized to execute this Agreement.

Note: Copies of the Agreement were presented to the Planning and Development Committee and are available from the Committee Secretary upon request.

The Committee then moved into their regular agenda.

DIRECTOR OF LOCAL PLANNING

2. Housing Intensification Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

Mr. B. Janssen of the Planning Department and Mr. A. Georgieff, Director of Local Planning spoke to the Committee with respect to the report which outlines the Strategy for the Provision of Housing Intensification Opportunities.

The Committee then authorized that a Public meeting be held on Wednesday, 1991 March 20, at the Convention Centre in the evening in order to present this strategy to the community.

It was further agreed that baring major change requirements, that the report would then go back to the Wednesday, 1991 April 3 meeting of the Planning and Development Committee for a decision.

With respect to the March 20 Public meeting, it was agreed that a newspaper advertisement would be placed to advise the community, as well as individual letters sent to approximately 700 persons who attended the past Public meetings.

As requested by the Aldermen, any briefs that are received with respect to the Housing Intensification issue would be compiled and forwarded to members of the Planning and Development Committee prior to March 20.

BUILDING COMMISSIONER

3. **City of Hamilton Heritage Programme - 51 Stuart Street (The Custom House).**

The Committee was in receipt of a report from the Building Commissioner dated 1991 January 31, respecting the above-noted matter. Attached to that report were Private and Confidential documents distributed to members of the Committee only.

The Committee agreed to move In-Camera to discuss matters of a Private and Confidential nature.

The Committee then moved Out-of-Camera and approved the following:

That an amount of \$3,000. be released immediately to Mr. D. Warrener, owner of the Custom House, in payment for the half portion of the stone restoration work which he has completed.

The Committee further approved the following:

That the Chief Administrative Officer investigate possible methods of loan/grant which can be extended for the cost of the work of building a veranda at the rear of the building and report back to the Planning and Development Committee at its Wednesday, 1991 February 20 meeting.

CASH-IN-LIEU OF PARKING COMMITTEE

4. **Cash-in-lieu of Parking - 38-40 Centennial Parkway North.**

The Committee was advised that the above-noted agenda item should be deleted from the agenda since the owner has withdrawn his application and plans to downscale his development.

MANAGER, LEGISLATIVE DIVISION, CITY CLERK'S OFFICE

5. **FCM's request for resolutions.**

The Committee was in receipt of correspondence from the Manager of the Legislative Division dated 1991 January 29, attaching a request from the Federation of Canadian Municipalities requesting resolutions for the upcoming conference. The Committee agreed to receive this correspondence.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

6. **Proposed closure of CN Station - Designation under the Heritage Railway Stations Protection Act.**

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 31, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton request the Executive Secretary, Historic Sites and Monuments Board of Canada, to consider designation by the Minister of the Environment of Hamilton's CN Station under The Heritage Railway Stations Protection Act.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

7. Ad Hoc Committee for CN Rail Station.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1991 January 29, respecting the above-noted matter and approved the following:

- (a) That an Ad Hoc Committee be formed to examine the future of the CN Station property to work with staff from the Planning and Development Department and the Regional Economic Development Department.
- (b) That the Ad Hoc Committee consist of representatives of the Planning and Development Committee, C.A.P.I.C., Urban Design Committee, L.A.C.A.C., B.I.A.'s and other stakeholders.
- (c) That L.A.C.A.C.'s recommendation to designate the CN Station under The Heritage Railway Stations Protection Act, as contained in Section 4 of this Report, be supported.
- (d) That the need for increased GO train service and the continuation of Via Rail service to Hamilton be reaffirmed.

Note: The above-noted Ad Hoc Committee will work in conjunction with the recently established staff group co-ordinated by the Chief Administrative Officer, authorized by City Council at its 1991 January 29 meeting.

DIRECTOR OF LOCAL PLANNING

8. 45 Rifle Range Road Neighbourhood Plan Review.

Alderman Formosi declared a conflict of interest in this matter since he has a family relation who is one of the principals. He thus abstained from voting or participating on this item.

Mr. Ed Fothergill, the Planning Consultant for the applicants requested that this matter be deferred until later in the meeting since the owner was not in attendance at that time. The Committee thus agreed to delay dealing with this matter until later into the meeting.

ZONING APPLICATIONS

9. Zoning Application 90-86, T. and M. DiFranco, owners, for a change in zoning from "AA" to "C" for property at 204 Rymal Road West; Mewburn Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 90-86, Tony and Maria DiFranco, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family development on property located at 204 Rymal Road West, shown as Blocks "1" and "2", on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-17D for presentation to City Council;

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 204 Rymal Road West.

The effect of the By-law is to permit the severance of a lot with the existing single-family dwelling shown as Block "1", and future single-family residential development of the lands shown as Block "2".

10. Zoning Application 90-89, The Rector and Church Wardens of Christ's Church Cathedral, owner, for a modification to the "D" and "H" District regulations for property at 252 James Street North; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission objecting to the application from Klaas Detman, Ancaster.

Report of the circularization was given as follows:

715 notices sent 16 in favour 2 opposed

Mr. Klaas Detman of Ancaster, spoke to the Committee with respect to his opposition and referred to his letter of submission.

The Committee then discussed this matter and approved the following:

That approval be given to Zoning Application 90-89, The Rector and Church Warden's Of Christ Church Cathedral, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations (Block "1") and the "H" (Community Shopping and Commercial, etc.) District regulations (Block "2"), to permit a columbarium (approximately 1,000 niches) within the existing church building, for property located at 252 James Street North, shown as Blocks "1" and "2", on the attached map marked as Appendix "B", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
- (i) That notwithstanding Section 10(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
- (i) That notwithstanding Section 14(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1216, and that the subject lands on Zoning District Map E-3 be notated S-1216;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for modifications in zoning for property located at 252 James Street North.

Block "1" - A modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations;

Block "2" - A modification to the "H" (Community Shopping and Commercial, etc.) District regulations.

The purpose of the by-law is to permit a columbarium (approximately 1,000 niches) within the existing church building.

11. Zoning Application 90-79, Don Peppino Foods Inc., lessee, for a further modification to the "M-12" District regulations for property at 1515 Upper Ottawa Street; Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

Report of the circularization was given as follows:

74 notices sent 3 in favour 0 opposed

Mr. Sgro, one of the owners of the property, spoke to the Committee and requested approval of this application.

The staff recommendation was for denial on the following basis:

- (a) It conflicts with the position of City Council, adopted 1989 August 24, to deny the application with respect to the request to permit a restaurant within the existing building. The applicant has not submitted any new or additional information to justify any change to established Council policy;
- (b) The proposal is more appropriately located on land zoned "M-11" (Prestige Industrial) District. In this regard, there are other suitably zoned properties within the Mountain Industrial Area on which the proposed use could be located; and,
- (c) It conflicts with the established intent of the "M-12" (Prestige Industrial) District which was designed to function as a wholesale commercial district and not solely for commercial uses;
- (d) Approval of the application is premature pending completion of the "M" District review.

The Committee discussed this matter at some length and agreed to approve the application as follows:

That approval be given to Zoning Application 90-79, Don Peppino Foods, Inc., lessee, requesting a further modification to the "M-12" (Prestige Industrial) District regulations, to legalize the existing restaurant, for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, as amended by By-laws 89-339 and 90-252, applicable to the subject lands, be further modified to include the following variance as a special requirement:

- (i) Notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following additional commercial uses shall be permitted:

<u>S.I.C. Identification Number</u>	<u>Commercial Use</u>
9211	Restaurants, Licensed
9212	Restaurants, Unlicensed (Including Drive-ins)
9213	Take-Out Food Services

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136b and that the subject lands on Zoning District Map E-59D be notated S-1136b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for a further modification to the "M-12" (Prestige Industrial) District regulations, for property located at 1515 Upper Ottawa Street.

The effect of the by-law is to permit, in addition to the uses under the "M-12" District regulations, a restaurant.

12. Zoning Application 90-82, Badima and Bosc Corporation, owner, for a further modification to the "E" District regulations for property at 19 Aikman Avenue; Gibson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

The Committee approved the following:

- (a) That approval be given to Zoning Application 90-82, Badima & Bosc Corporation, owner, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to expand the existing residential care facility from 45 beds to 57 beds, for property located at 19 Aikman Avenue, as shown on the attached map marked as Appendix "D", on the following basis:
- (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-laws No. 86-174 and 89-47, applicable to the subject lands, be further modified to include the following variances as special provisions:
- (1.) That notwithstanding Section 11.(i)(iiib) of By-law No. 6593, a residential care facility for the accommodation of a maximum of 57 elderly residents of at least 65 years of age shall be permitted only within the building existing at the date of the passing of this By-law;
 - (2.) That Section 11.(7) of By-law No. 6593 shall not apply;
 - (3.) That notwithstanding Section 18A. Table 1 1.(1) of By-law No. 6593, not less than 15 parking spaces shall be provided and maintained;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-953b, and that the subject lands on Zoning District Map E-22 be notated S-953b;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council; and,
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That By-law No. 89-47 be repealed in its entirety.

Note: The purpose of the By-law is to establish a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for property located at 19 Aikman Avenue.

The effect of the By-law is to permit the existing residential care facility for elderly persons (at least 65 years of age) to expand from 45 to 57 residents while providing 15 parking spaces instead of the required 19 parking spaces.

13. Zoning Application 90-80, Chrysler Canada Limited, owner, for a change in zoning from "AA" to "G-3" for land in the area north of Stone Church Road West and west of Upper James Street; Kernighan Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

Representatives of Chrysler Canada Limited, owner of the lands, were in attendance and spoke to the Committee respecting a proposed change to the landscaped planting strip proposed along the northerly and westerly lot lines. They submitted a letter from the owners to the north of Johnston Motor Sales Motor Company Limited, indicating that those owners are content with the present fencing and do not feel the need for any changes in it or the requirement of a green belt.

The Committee discussed this matter at some length and Alderman Ross, the Ward Alderman indicated that he was prepared to move approval of this application as submitted by staff and that he would consult with all parties on their request and if appropriate make the necessary amendments at the next City Council meeting when this item was before them for approval.

Accordingly, the Committee approved the following:

- (a) That approval be given to Zoning Application 90-80 Chrysler Canada Limited, owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, to permit the storage of vehicles in conjunction with a Chrysler Canada dealership, for property located north of Stone Church Road West and west of Upper James Street, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C(1) the following Commercial Use shall be permitted :
 - (a) The parking and display of cars for sale accessory to the existing use of land located at municipal No. 1350 Upper James Street.

- (2.) That a minimum 6.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
- (3.) That a 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1217, and that the subject lands on Zoning District Map W-9C be notated S-1217;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for approval by City Council until such time as a site plan is approved by the Planning and Development Committee.

Note: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for property located in the area north of Stone Church West and west of Upper James Street.

The effect of the By-law is to permit the lands to be used for the parking and display of cars for sale in conjunction with the adjoining Chrysler Canada dealership. In addition, the By-law provides for the following variances as special requirements:

- (a) A minimum 6.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly property lines;
- (b) A 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly property lines.

DIRECTOR OF LOCAL PLANNING

8. 45 Rifle Range Road Neighbourhood Plan Review.

The Committee moved back to Item 8 of their Agenda since the owner of the property was now in attendance. As previously noted Alderman Formosi had declared a conflict of interest in this matter due to a family relation who is one of the principals and accordingly abstained from voting or participating in the discussion.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, recommending the above-noted zoning application be tabled for the following reason:

- (a) The proposal is considered premature until such time as a Neighbourhood Plan Review for part of the approved Ainslie Wood Neighbourhood Plan is carried out.

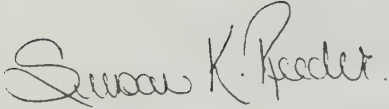
The staff recommendation further gives reference to staff being directed to undertake a review of the approved Ainslie Wood Neighbourhood Plan for the industrial area bounded by the T.H. & B. Railway tracks on the north, Rifle Range Road on the west, Whitney Avenue on the south, and the easterly limits of the industrially zoned lands.

Mr. Ed. Fothergill, Planning Consultant and Mr. Angelo Paletta, Patran Holdings Limited, spoke to the Committee. They distributed an overview of their presentation to members of the Committee.

Considerable discussion ensued on this matter and the Committee agreed to deny the staff recommendation and directed that staff prepare a specific recommendation on this application to be presented at a Public meeting for consideration by the Planning and Development Committee.

There being no further business, the meeting then adjourned.

Taken as read and approved,



Susan K. Reeder
Secretary
1991 February 6



ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1991 February 20
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman W. McCulloch
Alderman H. Merling
Alderman V. Formosi
Alderman D. Ross

Also present: Mr. D. Kelterborn, Board of Education
Mr. G. Korz, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. W. Wong, Building Department
Mr. J. Robinson, Loans Division, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. G. Robis, Building Department
Ms. P. Noé Johnson, City Solicitor
Mr. L. King, Building Commissioner
Mr. J. Schwarz, Regional Planning Department
Mr. L. Lanza, Regional Planning Department
Mrs. N. Chapple, Planning Department
Mrs. J. Hickey-Evans, Planning Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1991 January 23rd.

The Committee was in receipt of the minutes of their meeting held on Wednesday, 1991 January 23rd, and approved these minutes as circulated to them.

B.&C. BUILDING COMMISSIONER - Demolition Permit Applications, 611 Rennie Street and 348 Cumberland Avenue.

The Committee was in receipt of reports from the Building Commissioner, respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 611 Rennie Street.
- (b) 348 Cumberland Avenue.

D. City of Hamilton Heritage Programme - 221 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 4, respecting the above-noted matter and approved the following:

- (a) That an increase of two hundred and fifty dollars (\$250.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and twenty-nine dollars (\$129.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.

E. Clearing of the premises - 65 and 67 Beach Road.

The Committee was in receipt of a report from the Building Commissioner dated 1991 January 29, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal numbers 65 and 67 Beach Road of domestic and industrial waste.

Note: The estimated cost of the removal and disposal of this waste is approximately \$5,000. The cost of the removal of this domestic and industrial waste will be added to the tax roll to be collected in a like manner as municipal taxes.

F. CITY SOLICITOR - Planning Department Application Fees.

The Committee was in receipt of a report from the City Solicitor dated 1991 February 5, respecting the above-noted matter and approved the following:

That the By-law to amend By-law No. 89-88, (a By-law to set rates for Planning applications), receive appropriate readings.

Note: For purposes of clarification, the determination of the "annual rate of inflation" has been referenced to the Consumer Price Index as of December 31st of the previous year.

G. DIRECTOR OF PUBLIC WORKS - Repeal of By-laws - Downtown Hamilton Action Plan, Core Redevelopment Area, Plans and Addendums.

The Committee was in receipt of a report from the Director of Public Works dated 1991 February 12, respecting the above-noted matter and approved the following:

- (a) That the Downtown Hamilton Action Plan, Core Redevelopment Area be de-designated; and,
- (b) That By-law 83-242 designating the Core Redevelopment Area and By-laws 85-203, 86-185 and 86-280 adopting the Downtown Core Redevelopment Plan and Addendums be repealed; and,
- (c) That the Law Department be authorized to prepare the necessary repealing by-laws to give affect to 'a' and 'b' above.

Note: For the purpose of implementing Phases II and III of the Downtown Hamilton Action Plan, a Core Redevelopment Area and necessary Plans were adopted by City Council. On 1983 August 30, City Council passed By-law 83-242 adopting the area and, subsequently on 1985 October 08, 1986 June 24 and 1986 July 22, By-laws 85-203, 86-185 and 86-280 were approved by City Council adopting the Downtown Core Redevelopment Plan and Addendums #1 & 2.

The Redevelopment Area and Plans were established to meet the criteria set out in the Planning Act, R.S.O. 1970, Section 22. The Plans specifically encompassed Phases II and III of the Downtown Hamilton Action Plan since the Ministry of Municipal Affairs allocated funds under the Commercial Area Implementation Programme (CAIP) for these two phases.

Phases II and III of the Downtown Hamilton Action Plan were fully performed by 1987 and, therefore, the Redevelopment Area and Plans are no longer required. This is simply a housekeeping measure that unties the City's hands for any other activities in the Core Area. The Ministry of Municipal Affairs have advised that they have no objections to this.

H. MANAGER OF PURCHASING - Design Consultant - Central/Beasley P.R.I.D.E. Programme.

The Committee was in receipt of a report from the Manager of Purchasing dated 1991 February 12, respecting the above-noted matter and approved the following:

- (a) That a purchase order be issued to Victor Ford & Associates, Oakville, in the amount of \$50,504. being the lowest acceptable of nine proposals received, to provide Design Consultant Services for the Central/Beasley P.R.I.D.E. Programme in accordance with the request for proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from Central/Beasley P.R.I.D.E. Account No. CF5634 429002003.
- (b) That a contract be entered into satisfactory to the City Solicitor.

I. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE - Designation - 179 Mary Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 February 13, respecting the above-noted matter and approved the following:

- (a) That approval be given to the "Intent to Designate" the house at 179 Mary Street (known as the Raich House) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked Appendix "A".
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

REGULAR AGENDA**BUILDING COMMISSIONER****2. Proposed Bill 103 - An Act to Revise the Building Code Act.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council petition the Province of Ontario to enact proposed changes to The Building Code Act for expanded powers of entry, increased fine levels, and the requirements to obtain a building permit where there is a change of major occupancy.

3. Zoning By-law #6593 - Penalties and Fines.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council direct the Law Department to amend Zoning By-law #6593 to reflect the penalties in Sections 66(1) (a) and (b), and 66(2) of The Planning Act.

4. Property Standards By-law #74-74 - Penalties and Fines.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council direct the Law Department to amend Section 35 of the Property Standards By-law 74-74 to reflect the penalties allowed under Section 31(22) of The Planning Act.

Some discussion ensued on who receives the fines collected as noted in the above-two recommendations, and it was indicated by the City Solicitor and the Building Commissioner that these fines are required to be forwarded to the Province and not retained by the Municipality.

As a result of that information, the Planning and Development Committee directed that the City Solicitor report back to them on what methods could be taken to try to at least retain the administrative cost of collecting these fees.

REFERRALS FROM CITY COUNCIL**5. Resolution - City of Cambridge - Review of O.M.B. Staffing - Speed up of Planning Process.**

The Committee was in receipt of a report from the City Clerk dated 1991 February 13, forwarding the above-noted resolution to them for consideration.

The Committee agreed to endorse the following resolution:

That the following resolution of the Corporation of the City of Cambridge be endorsed:

Whereas the Ontario Government has issued a policy statement on land use planning for housing which requires all municipalities to speed up the Planning Process;

Whereas the Ontario Municipal Board's backlog slows down the Planning Process on all appeals that come before the Board;

Therefore be it resolved that the City of Cambridge request the Ontario Government to review the O.M.B. staffing in order to speed up the Planning Process;

And furthermore be it resolved that this resolution be circulated to all municipalities, 50,000 or more population, to the Association of Municipalities of Ontario and to all local MPP'S in Waterloo region.

6. Resolution - City of Cambridge - Provincial Policy Statement - Land Use Planning for Housing.

The Committee was in receipt of a report from the City Clerk dated 1991 February 13, forwarding to them the above-noted resolution for consideration.

The Committee agreed to endorse the following resolution with the additional directive that this resolution be forwarded to the Regional Task Force on Affordable Housing for their consideration.

The Committee then approved the following:

- (a) That the following resolution of the Corporation of the City of Cambridge be endorsed:

Whereas the Province of Ontario has adopted a provincial policy statement entitled Land Use Planning for Housing pursuant to Section 3 of the Planning Act, 1983;

And whereas this provincial policy statement directs municipalities to provide the opportunity for affordable housing to be built;

And whereas the Ontario Ministry of Housing, as directed in this policy statement, annually provides income and price data for new home construction for large aggregations of municipalities referred to as Housing Regions:

Now therefore the Council of the Corporation of the City of Cambridge strongly recommends that the Province of Ontario undertake the following initiatives:

- (i) Provide municipalities with detailed household income and housing price data which truly reflect local conditions;
- (ii) Enact legislation which would provide municipalities with the ability to ensure the delivery of affordable housing;

And that this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable David Cooke, Minister of Housing and Minister of Municipal Affairs, the Honourable Mike Farnan, Minister of Correctional Services and Solicitor General and M.P.P. for Cambridge, and all municipalities in Ontario with a population in excess of 50,000.

- (b) That Regional Council be requested to present the above-noted resolution to the Regional Task Force on Affordable Housing for their consideration.

AD HOC COMMITTEE - COMMONWEALTH SQUARE, SUMMERS' LANE

7. Recommendation respecting the Baird, Sampson Study on the Crystal Palace.

The Committee was advised that this matter is no longer applicable since City Council has already endorsed the Baird, Sampson Study. Accordingly, this matter was deleted from the Committee Agenda.

8. CHIEF ADMINISTRATIVE OFFICER - The Custom House, 51 Stuart Street.

The Committee was in receipt of an Information Report from the Chief Administrative Officer, respecting possible methods of loan/grant which could be extended for the work completed on the veranda at the rear of the building, as per the Committee's directive at its Wednesday, 1991 February 20 meeting.

The Committee agreed to receive this Information Report.

14. DIRECTOR OF LOCAL PLANNING - Proposed Renaming of Ridge Street to Jeremy Street; Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 8, respecting the above-noted matter and approved the following:

- (a) That approval be given to change the street name of Ridge Street in the Jerome Neighbourhood to Jeremy Street.
- (b) That the City Solicitor prepare the appropriate by-law for presentation to City Council.

ADDED - UNSCHEDULED DELEGATION

Earlier in the meeting, a very irate gentleman entered the meeting and was allowed to speak to the Committee on his concerns with respect to lands that he owns which had been rezoned to his financial detriment. The Committee heard him and received the information that he gave them. Alderman McCulloch, who was familiar with this gentleman's difficulties from several years in the past, advised the Committee that he would report back to them on this gentleman's situation.

ZONING APPLICATIONS

9. Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, for a change in zoning from "AA" to "C" for land municipally known as 179 Stone Church Road West; Sheldon Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 8, respecting the above-noted matter.

Report of the circularization was given as follows:

45 notices sent 2 in favour 2 opposed

A representative for the applicant was in attendance and spoke to the Committee.

The Committee then approved the following:

That approval be given to Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for the property municipally known as 179 Stone Church Road West, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the property municipally known as 179 Stone Church Road West.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings.

10. Subdivision Application 25T-89030 and Zoning Application 90-81, L. Scornaienchi, owner, for a change in zoning from "AA" to "C" for land municipally known as 1258 Upper Wentworth Street; Crerar Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 12, respecting the above-noted matter.

Report of the circularization was given as follows:

153 notices sent 5 in favour 1 opposed

The Committee approved the following:

- (a) That approval be given to Subdivision Application 25T-89030, Luciano Scornaienchi, owner, to establish a draft plan of subdivision north of Stone Church Road and west of Upper Wentworth Street, subject to the following conditions:
 - (i) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1990 October 16, showing 12 lots, 1 block, (Block "13") for development with adjacent lands, 2 blocks (Blocks "16" and "17") as 0.3 metre reserves and two Blocks (Blocks "14" and "15") as road widenings.
 - (ii) That the streets and the street widening be dedicated to the City of Hamilton as a public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.

- (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Block "13" be developed only in conjunction with adjacent lands.
 - (ix) That Blocks "14" and "15" be dedicated as public road allowances.
 - (x) That Blocks "16" and "17", the 0.3 m reserves be conveyed to the City of Hamilton and the Region of Hamilton-Wentworth respectively.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89030), Luciano Scornaienchi, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 90-81, Luciano Scornaienchi, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property municipally known as 1258 Upper Wentworth Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. E-18C for presentation to City Council;
- (c) That the proposed change in Zoning is in conformity with the Official Plan for The Hamilton Planning Area.

Note: The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property municipally known as 1258 Upper Wentworth Street.

The effect of the By-Law is to subdivide the subject lands into building lots for single-family detached dwellings.

11. **Zoning Application 90-32. J. Calzonetti, owner and prospective owner, for change in zoning from "AA" and "C" to "RT-20" and "HH" modified, for properties municipally known as 829, 837, 845 and 867 Rymal Road East; Eleanor Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 13, respecting the above-noted matter.

Report of the circularization was given as follows:

305 notices sent 5 in favour 7 opposed

Mr. Calzonetti, owner, was in attendance and indicated that they are largely in agreement with the staff recommendation, but would like to have the walkway removed and would also like to have the uses modified.

The Committee was also in receipt of a letter of submission from Paul Silvestri, President, Silvestri Investments, who own Block 21 and 22, opposite the applicant's lands. Mr. Silvestri was in attendance at the meeting and indicated that he wants to have the Eaglewood Subdivision completed first before the properties on Rymal Road commence.

A great deal of discussion ensued on this matter and it was agreed that this application would be tabled until the next meeting of the Committee, which will be held on Wednesday, 1991 March 6, in order that an opportunity be given to both developers to hopefully come to some agreements on the land use of their abutting lands.

The Committee also directed that the Planning Staff hold the necessary neighbourhood meetings on the possibility of closing the walkway on the Rymal Road East lands.

12. **Zoning Application 90-84. Kingdom Properties Inc., prospective owner, for a change in zoning from "H" to "E" and modification to the "E" District regulations for property municipally known as 623 Upper James Street; Centremount Neighbourhood.**

The Committee was also in receipt of a letter of submission from Anne & Andrew Philpot, 15 Brucedale Avenue East.

The Committee was advised that this application has been withdrawn by the applicant and accordingly, this item was deleted from the Committee Agenda.

13. **Zoning Application 90-73. M. Finocchio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.**

Mr. J. Finocchio, representative of the owners, was in attendance and spoke to the Committee. He asked the Committee to table this matter in order that the Manager of Housing Advocacy with the Ministry of Housing, Susan MacDonald could meet with the Planning staff respecting the affordable housing aspects of this application in light of the denial recommendation of staff.

Accordingly, the Committee agreed to table this application for 60 days (to be reheard at the 1991 May meeting of the Committee, or earlier if possible.) The Committee further directed that when this matter does come back to the Committee that it be re-circularized to the neighbourhood and further that the Ward Aldermen be kept advised of the negotiations in this matter.

ADDED - APPEAL BY YEN KING RESTAURANT - 491-493 UPPER WELLINGTON STREET

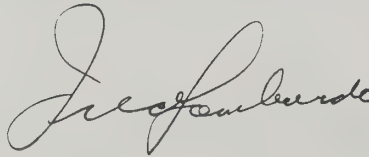
The Committee was in receipt of a report from the Acting Secretary of the Transport and Environment Committee dated 1991 February 19, respecting a Committee of Adjustment Appeal for property at 491-493 Upper Wellington Street.

The Committee approved the following:

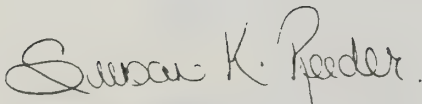
That the Planning and Development Committee be requested to support the appeal by Yen King Restaurant, 491-493 Upper Wellington Street, against the Committee of Adjustment denial decision to not allow for a minor variance from the Zoning By-law to permit the parking area in the rear of the restaurant without providing the required spatia separation from the adjoining residential district.

There being no further business, the meeting then adjourned.

Taken as read and approved,



**ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**



**Susan K. Reeder
Secretary
1991 February 20**

PLANNING AND DEVELOPMENT COMMITTEE**1991 MARCH 6TH****C O N S E N T A G E N D A**

GOVERNMENT DOCUMENT

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

- A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1991 February 6th and Wednesday, 1991 February 20th.

BUILDING COMMISSIONER

- B. By-law for the appointment of a Chief Building Official and Inspectors pursuant to The Building Code Act, R.S.O. 1980, Chapter 51.
- C. 1991 Annual Conference of the Ontario Association of Committees of Adjustment.

CITY SOLICITOR

- D. Proposed Expropriation - Alpha Enclave (West).

DIRECTOR OF PUBLIC WORKS

- E. Central Beasley Programme for Renewal Improvement, Development and Economic Revitalization (P.R.I.D.E.) - Community Improvement Plan.

Wednesday, 1991 February 6
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present Alderman D. Drury, Acting Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman D. Wilson
Alderman M. Kiss
Alderman V. Formosi
Alderman D. Ross

Regrets: Alderman F. Lombardo, Chairman - Vacation
Alderman H. Merling - Vacation

Also present: Alderman T. Jackson
Alderman G. Copps
Alderman T. Cooke
Alderman B. Hinkley
Mr. D. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. J. Thoms, Commissioner of Planning and Development
Mr. B. Janssen, Planning Department
Mr. D. Godley, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. P. Hooker, Law Department
Mr. P. Mallard, Planning Department
Mr. J. Robinson, Building Department
Ms. J. McNeilly, Public Works Department
Mr. L. King, Building Commissioner
Mrs. N. Chapple, Planning Department
Ms. P. Noé Johnson, City Solicitor
Mr. R. Karl, Traffic Department
Mr. B. Allick, Building Department
Mr. L. Farr, Law Department
Mrs. Susan K. Reeder, Secretary

1. **CONSENT AGENDA**

DIRECTOR OF PUBLIC WORKS

A. **1989-1990 Annual Audited Statements - Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.) Wesley Urban Ministries.**

The Committee was in receipt of a report from the Director of Public Works dated 1991 January 28, respecting the above-noted matter and approved the following:

That the Wesley Urban Ministries Inc. financial statements for 1989 January 01 to 1991 March 31, audited by Pannell Kerr MacGillivray for the loan given by the City of Hamilton and the Ministry of Municipal Affairs and Housing under the Neighbourhood Improvement Programme to the Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada for the construction and development of the Kirkendall-Strathcona Neighbourhood House be adopted.

Note: Copies of the financial statements were presented to the Planning and Development Committee and are available from the Committee Secretary upon request.

COMMISSIONER OF PLANNING AND DEVELOPMENT

B. Extension of Draft Approval for "Wisemount Forest Survey" Subdivision.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 28, respecting the above-noted matter and approved the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).

DIRECTOR OF PROPERTY

C. MacNab Street Truck Tunnel Easement to The Dominion Realty Company Limited.

The Committee was in receipt of a report from the Director of Property dated 1991 January 22, respecting the above-noted matter and approved the following:

(a) That the City of Hamilton enter into an Agreement with The Dominion Realty Company Limited for the purpose of the City granting to Dominion Realty an easement to enter onto and use the truck route beneath Lloyd D. Jackson Square, King Street West and MacNab Street South, as a right-of-way for vehicular access for the purpose of providing access to the Dominion lands for Dominion, its tenants and suppliers. The easement will be enjoyed and used until 2069 October 31.

(b) That the Mayor and City Clerk be authorized to execute this Agreement.

Note: Copies of the Agreement were presented to the Planning and Development Committee and are available from the Committee Secretary upon request.

The Committee then moved into their regular agenda.

DIRECTOR OF LOCAL PLANNING

2. Housing Intensification Study.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

Mr. B. Janssen of the Planning Department and Mr. A. Georgieff, Director of Local Planning spoke to the Committee with respect to the report which outlines the Strategy for the Provision of Housing Intensification Opportunities.

The Committee then authorized that a Public meeting be held on Wednesday, 1991 March 20, at the Convention Centre in the evening in order to present this strategy to the community.

It was further agreed that baring major change requirements, that the report would then go back to the Wednesday, 1991 April 3 meeting of the Planning and Development Committee for a decision.

With respect to the March 20 Public meeting, it was agreed that a newspaper advertisement would be placed to advise the community, as well as individual letters sent to approximately 700 persons who attended the past Public meetings.

As requested by the Aldermen, any briefs that are received with respect to the Housing Intensification issue would be compiled and forwarded to members of the Planning and Development Committee prior to March 20.

BUILDING COMMISSIONER

3. City of Hamilton Heritage Programme - 51 Stuart Street (The Custom House).

The Committee was in receipt of a report from the Building Commissioner dated 1991 January 31, respecting the above-noted matter. Attached to that report were Private and Confidential documents distributed to members of the Committee only.

The Committee agreed to move In-Camera to discuss matters of a Private and Confidential nature.

The Committee then moved Out-of-Camera and approved the following:

That an amount of \$3,000. be released immediately to Mr. D. Warrener, owner of the Custom House, in payment for the half portion of the stone restoration work which he has completed.

The Committee further approved the following:

That the Chief Administrative Officer investigate possible methods of loan/grant which can be extended for the cost of the work of building a veranda at the rear of the building and report back to the Planning and Development Committee at its Wednesday, 1991 February 20 meeting.

CASH-IN-LIEU OF PARKING COMMITTEE

4. Cash-in-lieu of Parking - 38-40 Centennial Parkway North.

The Committee was advised that the above-noted agenda item should be deleted from the agenda since the owner has withdrawn his application and plans to downscale his development.

MANAGER, LEGISLATIVE DIVISION, CITY CLERK'S OFFICE

5. FCM's request for resolutions.

The Committee was in receipt of correspondence from the Manager of the Legislative Division dated 1991 January 29, attaching a request from the Federation of Canadian Municipalities requesting resolutions for the upcoming conference. The Committee agreed to receive this correspondence.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

6. Proposed closure of CN Station - Designation under the Heritage Railway Stations Protection Act.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 January 31, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton request the Executive Secretary, Historic Sites and Monuments Board of Canada, to consider designation by the Minister of the Environment of Hamilton's CN Station under The Heritage Railway Stations Protection Act.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

7. Ad Hoc Committee for CN Rail Station.

The Committee was in receipt of a report from the Chairperson of the Central Area Plan Implementation Committee (C.A.P.I.C.) dated 1991 January 29, respecting the above-noted matter and approved the following:

- (a) That an Ad Hoc Committee be formed to examine the future of the CN Station property to work with staff from the Planning and Development Department and the Regional Economic Development Department.
- (b) That the Ad Hoc Committee consist of representatives of the Planning and Development Committee, C.A.P.I.C., Urban Design Committee, L.A.C.A.C., B.I.A.'s and other stakeholders.
- (c) That L.A.C.A.C.'s recommendation to designate the CN Station under The Heritage Railway Stations Protection Act, as contained in Section 4 of this Report, be supported.
- (d) That the need for increased GO train service and the continuation of Via Rail service to Hamilton be reaffirmed.

Note: The above-noted Ad Hoc Committee will work in conjunction with the recently established staff group co-ordinated by the Chief Administrative Officer, authorized by City Council at its 1991 January 29 meeting.

DIRECTOR OF LOCAL PLANNING

8. 45 Rifle Range Road Neighbourhood Plan Review.

Alderman Formosi declared a conflict of interest in this matter since he has a family relation who is one of the principals. He thus abstained from voting or participating on this item.

Mr. Ed Fothergill, the Planning Consultant for the applicants requested that this matter be deferred until later in the meeting since the owner was not in attendance at that time. The Committee thus agreed to delay dealing with this matter until later into the meeting.

ZONING APPLICATIONS

9. Zoning Application 90-86, T. and M. DiFranco, owners, for a change in zoning from "AA" to "C" for property at 204 Rymal Road West; Mewburn Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 90-86, Tony and Maria DiFranco, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family development on property located at 204 Rymal Road West, shown as Blocks "1" and "2", on the attached map marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-17D for presentation to City Council;

- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 204 Rymal Road West.

The effect of the By-law is to permit the severance of a lot with the existing single-family dwelling shown as Block "1", and future single-family residential development of the lands shown as Block "2".

10. Zoning Application 90-89, The Rector and Church Wardens of Christ's Church Cathedral, owner, for a modification to the "D" and "H" District regulations for property at 252 James Street North; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission objecting to the application from Klaas Detman, Ancaster.

Report of the circularization was given as follows:

715 notices sent 16 in favour 2 opposed

Mr. Klaas Detman of Ancaster, spoke to the Committee with respect to his opposition and referred to his letter of submission.

The Committee then discussed this matter and approved the following:

That approval be given to Zoning Application 90-89, The Rector and Church Warden's Of Christ Church Cathedral, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations (Block "1") and the "H" (Community Shopping and Commercial, etc.) District regulations (Block "2"), to permit a columbarium (approximately 1,000 niches) within the existing church building, for property located at 252 James Street North, shown as Blocks "1" and "2", on the attached map marked as Appendix "B", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
- (i) That notwithstanding Section 10(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
- (i) That notwithstanding Section 14(1), a columbarium shall be permitted only within the church building existing at the date of the passing of the by-law.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1216, and that the subject lands on Zoning District Map E-3 be notated S-1216;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for modifications in zoning for property located at 252 James Street North.

Block "1" - A modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations;

Block "2" - A modification to the "H" (Community Shopping and Commercial, etc.) District regulations.

The purpose of the by-law is to permit a columbarium (approximately 1,000 niches) within the existing church building.

11. Zoning Application 90-79, Don Peppino Foods Inc., lessee, for a further modification to the "M-12" District regulations for property at 1515 Upper Ottawa Street; Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

Report of the circularization was given as follows:

74 notices sent 3 in favour 0 opposed

Mr. Sgro, one of the owners of the property, spoke to the Committee and requested approval of this application.

The staff recommendation was for denial on the following basis:

- (a) It conflicts with the position of City Council, adopted 1989 August 24, to deny the application with respect to the request to permit a restaurant within the existing building. The applicant has not submitted any new or additional information to justify any change to established Council policy;
- (b) The proposal is more appropriately located on land zoned "M-11" (Prestige Industrial) District. In this regard, there are other suitably zoned properties within the Mountain Industrial Area on which the proposed use could be located; and,
- (c) It conflicts with the established intent of the "M-12" (Prestige Industrial) District which was designed to function as a wholesale commercial district and not solely for commercial uses;
- (d) Approval of the application is premature pending completion of the "M" District review.

The Committee discussed this matter at some length and agreed to approve the application as follows:

That approval be given to Zoning Application 90-79, Don Peppino Foods, Inc., lessee, requesting a further modification to the "M-12" (Prestige Industrial) District regulations, to legalize the existing restaurant, for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, as amended by By-laws 89-339 and 90-252, applicable to the subject lands, be further modified to include the following variance as a special requirement:

- (i) Notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following additional commercial uses shall be permitted:

<u>S.I.C. Identification Number</u>	<u>Commercial Use</u>
9211	Restaurants, Licensed
9212	Restaurants, Unlicensed (Including Drive-ins)
9213	Take-Out Food Services

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136b and that the subject lands on Zoning District Map E-59D be notated S-1136b;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for a further modification to the "M-12" (Prestige Industrial) District regulations, for property located at 1515 Upper Ottawa Street.

The effect of the by-law is to permit, in addition to the uses under the "M-12" District regulations, a restaurant.

12. Zoning Application 90-82, Badima and Bosc Corporation, owner, for a further modification to the "E" District regulations for property at 19 Aikman Avenue, Gibson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, respecting the above-noted matter.

The Committee approved the following:

- (a) That approval be given to Zoning Application 90-82, Badima & Bosc Corporation, owner, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to expand the existing residential care facility from 45 beds to 57 beds, for property located at 19 Aikman Avenue, as shown on the attached map marked as Appendix "D", on the following basis:
- (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-laws No. 86-174 and 89-47, applicable to the subject lands, be further modified to include the following variances as special provisions:
- (1.) That notwithstanding Section 11.(i)(iib) of By-law No. 6593, a residential care facility for the accommodation of a maximum of 57 elderly residents of at least 65 years of age shall be permitted only within the building existing at the date of the passing of this By-law;
 - (2.) That Section 11.(7) of By-law No. 6593 shall not apply;
 - (3.) That notwithstanding Section 18A. Table 1 1.(1) of By-law No. 6593, not less than 15 parking spaces shall be provided and maintained;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-953b, and that the subject lands on Zoning District Map E-22 be notated S-953b;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council; and,
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That By-law No. 89-47 be repealed in its entirety.

Note: The purpose of the By-law is to establish a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for property located at 19 Aikman Avenue.

The effect of the By-law is to permit the existing residential care facility for elderly persons (at least 65 years of age) to expand from 45 to 57 residents while providing 15 parking spaces instead of the required 19 parking spaces.

13. Zoning Application 90-80, Chrysler Canada Limited, owner, for a change in zoning from "AA" to "G-3" for land in the area north of Stone Church Road West and west of Upper James Street; Kernighan Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 25, respecting the above-noted matter.

Representatives of Chrysler Canada Limited, owner of the lands, were in attendance and spoke to the Committee respecting a proposed change to the landscaped planting strip proposed along the northerly and westerly lot lines. They submitted a letter from the owners to the north of Johnston Motor Sales Motor Company Limited, indicating that those owners are content with the present fencing and do not feel the need for any changes in it or the requirement of a green belt.

The Committee discussed this matter at some length and Alderman Ross, the Ward Alderman indicated that he was prepared to move approval of this application as submitted by staff and that he would consult with all parties on their request and if appropriate make the necessary amendments at the next City Council meeting when this item was before them for approval.

Accordingly, the Committee approved the following:

- (a) That approval be given to Zoning Application 90-80 Chrysler Canada Limited, owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, to permit the storage of vehicles in conjunction with a Chrysler Canada dealership, for property located north of Stone Church Road West and west of Upper James Street, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;
 - (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C(1) the following Commercial Use shall be permitted :
 - (a) The parking and display of cars for sale accessory to the existing use of land located at municipal No. 1350 Upper James Street.

- (2.) That a minimum 6.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
- (3.) That a 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1217, and that the subject lands on Zoning District Map W-9C be notated S-1217;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for approval by City Council until such time as a site plan is approved by the Planning and Development Committee.

Note: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for property located in the area north of Stone Church West and west of Upper James Street.

The effect of the By-law is to permit the lands to be used for the parking and display of cars for sale in conjunction with the adjoining Chrysler Canada dealership. In addition, the By-law provides for the following variances as special requirements:

- (a) A minimum 6.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly property lines;
- (b) A 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly property lines.

DIRECTOR OF LOCAL PLANNING

8. 45 Rifle Range Road Neighbourhood Plan Review.

The Committee moved back to Item 8 of their Agenda since the owner of the property was now in attendance. As previously noted Alderman Formosi had declared a conflict of interest in this matter due to a family relation who is one of the principals and accordingly abstained from voting or participating in the discussion.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 January 29, recommending the above-noted zoning application be tabled for the following reason:

- (a) The proposal is considered premature until such time as a Neighbourhood Plan Review for part of the approved Ainslie Wood Neighbourhood Plan is carried out.

The staff recommendation further gives reference to staff being directed to undertake a review of the approved Ainslie Wood Neighbourhood Plan for the industrial area bounded by the T.H. & B. Railway tracks on the north, Rifle Range Road on the west, Whitney Avenue on the south, and the easterly limits of the industrially zoned lands.

Mr. Ed. Fothergill, Planning Consultant and Mr. Angelo Paletta, Patran Holdings Limited, spoke to the Committee. They distributed an overview of their presentation to members of the Committee.

Considerable discussion ensued on this matter and the Committee agreed to deny the staff recommendation and directed that staff prepare a specific recommendation on this application to be presented at a Public meeting for consideration by the Planning and Development Committee.

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

Susan K. Reeder
Secretary
1991 February 6

Wednesday, 1991 February 20
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman W. McCulloch
Alderman H. Merling
Alderman V. Formosi
Alderman D. Ross

Also present: Mr. D. Kelterborn, Board of Education
Mr. G. Korz, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. W. Wong, Building Department
Mr. J. Robinson, Loans Division, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. G. Robis, Building Department
Ms. P. Noé Johnson, City Solicitor
Mr. L. King, Building Commissioner
Mr. J. Schwarz, Regional Planning Department
Mr. L. Lanza, Regional Planning Department
Mrs. N. Chapple, Planning Department
Mrs. J. Hickey-Evans, Planning Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1991 January 23rd.

The Committee was in receipt of the minutes of their meeting held on Wednesday, 1991 January 23rd, and approved these minutes as circulated to them.

B.&C. BUILDING COMMISSIONER - Demolition Permit Applications, 611 Rennie Street and 348 Cumberland Avenue.

The Committee was in receipt of reports from the Building Commissioner, respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 611 Rennie Street.
- (b) 348 Cumberland Avenue.

D. City of Hamilton Heritage Programme - 221 Ferguson Avenue South.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 4, respecting the above-noted matter and approved the following:

- (a) That an increase of two hundred and fifty dollars (\$250.) be approved under the Community Heritage Trust Fund for a new loan amount of two thousand, seven hundred and fifty-seven dollars (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over ten years; and,
- (b) That an increase of one hundred and twenty-nine dollars (\$129.) be approved under the Designated Property Grant Programme for a new grant amount of two thousand, seven hundred and fifty-seven (\$2,757.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.

E. Clearing of the premises - 65 and 67 Beach Road.

The Committee was in receipt of a report from the Building Commissioner dated 1991 January 29, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal numbers 65 and 67 Beach Road of domestic and industrial waste.

Note: The estimated cost of the removal and disposal of this waste is approximately \$5,000. The cost of the removal of this domestic and industrial waste will be added to the tax roll to be collected in a like manner as municipal taxes.

F. CITY SOLICITOR - Planning Department Application Fees.

The Committee was in receipt of a report from the City Solicitor dated 1991 February 5, respecting the above-noted matter and approved the following:

That the By-law to amend By-law No. 89-88, (a By-law to set rates for Planning applications), receive appropriate readings.

Note: For purposes of clarification, the determination of the "annual rate of inflation" has been referenced to the Consumer Price Index as of December 31st of the previous year.

G. DIRECTOR OF PUBLIC WORKS - Repeal of By-laws - Downtown Hamilton Action Plan, Core Redevelopment Area, Plans and Addendums.

The Committee was in receipt of a report from the Director of Public Works dated 1991 February 12, respecting the above-noted matter and approved the following:

- (a) That the Downtown Hamilton Action Plan, Core Redevelopment Area be de-designated; and,
- (b) That By-law 83-242 designating the Core Redevelopment Area and By-laws 85-203, 86-185 and 86-280 adopting the Downtown Core Redevelopment Plan and Addendums be repealed; and,
- (c) That the Law Department be authorized to prepare the necessary repealing by-laws to give affect to 'a' and 'b' above.

Note: For the purpose of implementing Phases II and III of the Downtown Hamilton Action Plan, a Core Redevelopment Area and necessary Plans were adopted by City Council. On 1983 August 30, City Council passed By-law 83-242 adopting the area and, subsequently on 1985 October 08, 1986 June 24 and 1986 July 22, By-laws 85-203, 86-185 and 86-280 were approved by City Council adopting the Downtown Core Redevelopment Plan and Addendums #1 & 2.

The Redevelopment Area and Plans were established to meet the criteria set out in the Planning Act, R.S.O. 1970, Section 22. The Plans specifically encompassed Phases II and III of the Downtown Hamilton Action Plan since the Ministry of Municipal Affairs allocated funds under the Commercial Area Implementation Programme (CAIP) for these two phases.

Phases II and III of the Downtown Hamilton Action Plan were fully performed by 1987 and, therefore, the Redevelopment Area and Plans are no longer required. This is simply a housekeeping measure that unties the City's hands for any other activities in the Core Area. The Ministry of Municipal Affairs have advised that they have no objections to this.

H. MANAGER OF PURCHASING - Design Consultant - Central/Beasley P.R.I.D.E. Programme.

The Committee was in receipt of a report from the Manager of Purchasing dated 1991 February 12, respecting the above-noted matter and approved the following:

- (a) That a purchase order be issued to Victor Ford & Associates, Oakville, in the amount of \$50,504. being the lowest acceptable of nine proposals received, to provide Design Consultant Services for the Central/Beasley P.R.I.D.E. Programme in accordance with the request for proposal issued by the Manager of Purchasing and Vendor's submission, and that this expenditure be financed from Central/Beasley P.R.I.D.E. Account No. CF5634 429002003.
- (b) That a contract be entered into satisfactory to the City Solicitor.

I. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE - Designation - 179 Mary Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 February 13, respecting the above-noted matter and approved the following:

- (a) That approval be given to the "Intent to Designate" the house at 179 Mary Street (known as the Raich House) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked Appendix "A".
- (b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

REGULAR AGENDA**BUILDING COMMISSIONER****2. Proposed Bill 103 - An Act to Revise the Building Code Act.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council petition the Province of Ontario to enact proposed changes to The Building Code Act for expanded powers of entry, increased fine levels, and the requirements to obtain a building permit where there is a change of major occupancy.

3. Zoning By-law #6593 - Penalties and Fines.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council direct the Law Department to amend Zoning By-law #6593 to reflect the penalties in Sections 66(1) (a) and (b), and 66(2) of The Planning Act.

4. Property Standards By-law #74-74 - Penalties and Fines.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 14, respecting the above-noted matter and approved the following:

That City Council direct the Law Department to amend Section 35 of the Property Standards By-law 74-74 to reflect the penalties allowed under Section 31(22) of The Planning Act.

Some discussion ensued on who receives the fines collected as noted in the above-two recommendations, and it was indicated by the City Solicitor and the Building Commissioner that these fines are required to be forwarded to the Province and not retained by the Municipality.

As a result of that information, the Planning and Development Committee directed that the City Solicitor report back to them on what methods could be taken to try to at least retain the administrative cost of collecting these fees.

REFERRALS FROM CITY COUNCIL**5. Resolution - City of Cambridge - Review of O.M.B. Staffing - Speed up of Planning Process.**

The Committee was in receipt of a report from the City Clerk dated 1991 February 13, forwarding the above-noted resolution to them for consideration.

The Committee agreed to endorse the following resolution:

That the following resolution of the Corporation of the City of Cambridge be endorsed:

Whereas the Ontario Government has issued a policy statement on land use planning for housing which requires all municipalities to speed up the Planning Process;

Whereas the Ontario Municipal Board's backlog slows down the Planning Process on all appeals that come before the Board;

Therefore be it resolved that the City of Cambridge request the Ontario Government to review the O.M.B. staffing in order to speed up the Planning Process;

And furthermore be it resolved that this resolution be circulated to all municipalities, 50,000 or more population, to the Association of Municipalities of Ontario and to all local MPP'S in Waterloo region.

6. Resolution - City of Cambridge - Provincial Policy Statement - Land Use Planning for Housing.

The Committee was in receipt of a report from the City Clerk dated 1991 February 13, forwarding to them the above-noted resolution for consideration.

The Committee agreed to endorse the following resolution with the additional directive that this resolution be forwarded to the Regional Task Force on Affordable Housing for their consideration.

The Committee then approved the following:

- (a) That the following resolution of the Corporation of the City of Cambridge be endorsed:

Whereas the Province of Ontario has adopted a provincial policy statement entitled Land Use Planning for Housing pursuant to Section 3 of the Planning Act, 1983;

And whereas this provincial policy statement directs municipalities to provide the opportunity for affordable housing to be built;

And whereas the Ontario Ministry of Housing, as directed in this policy statement, annually provides income and price data for new home construction for large aggregations of municipalities referred to as Housing Regions:

Now therefore the Council of the Corporation of the City of Cambridge strongly recommends that the Province of Ontario undertake the following initiatives:

- (i) Provide municipalities with detailed household income and housing price data which truly reflect local conditions;
- (ii) Enact legislation which would provide municipalities with the ability to ensure the delivery of affordable housing;

And that this resolution be circulated to the Honourable Bob Rae, the Premier of Ontario, the Honourable David Cooke, Minister of Housing and Minister of Municipal Affairs, the Honourable Mike Farnan, Minister of Correctional Services and Solicitor General and M.P.P. for Cambridge, and all municipalities in Ontario with a population in excess of 50,000.

- (b) That Regional Council be requested to present the above-noted resolution to the Regional Task Force on Affordable Housing for their consideration.

AD HOC COMMITTEE - COMMONWEALTH SQUARE, SUMMERS' LANE

7. Recommendation respecting the Baird, Sampson Study on the Crystal Palace.

The Committee was advised that this matter is no longer applicable since City Council has already endorsed the Baird, Sampson Study. Accordingly, this matter was deleted from the Committee Agenda.

8. CHIEF ADMINISTRATIVE OFFICER - The Custom House, 51 Stuart Street.

The Committee was in receipt of an Information Report from the Chief Administrative Officer, respecting possible methods of loan/grant which could be extended for the work completed on the veranda at the rear of the building, as per the Committee's directive at its Wednesday, 1991 February 20 meeting.

The Committee agreed to receive this Information Report.

14. DIRECTOR OF LOCAL PLANNING - Proposed Renaming of Ridge Street to Jeremy Street; Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 8, respecting the above-noted matter and approved the following:

- (a) That approval be given to change the street name of Ridge Street in the Jerome Neighbourhood to Jeremy Street.
- (b) That the City Solicitor prepare the appropriate by-law for presentation to City Council.

ADDED - UNSCHEDULED DELEGATION

Earlier in the meeting, a very irate gentleman entered the meeting and was allowed to speak to the Committee on his concerns with respect to lands that he owns which had been rezoned to his financial detriment. The Committee heard him and received the information that he gave them. Alderman McCulloch, who was familiar with this gentleman's difficulties from several years in the past, advised the Committee that he would report back to them on this gentleman's situation.

ZONING APPLICATIONS

9. Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, for a change in zoning from "AA" to "C" for land municipally known as 179 Stone Church Road West; Sheldon Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 8, respecting the above-noted matter.

Report of the circularization was given as follows:

45 notices sent 2 in favour 2 opposed

A representative for the applicant was in attendance and spoke to the Committee.

The Committee then approved the following:

That approval be given to Zoning Application 90-77, Britannia Decorating and Painting Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings, for the property municipally known as 179 Stone Church Road West, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the property municipally known as 179 Stone Church Road West.

The effect of the By-law is to permit the development of the subject lands for single-family dwellings.

10. Subdivision Application 25T-89030 and Zoning Application 90-81, L. Scornaienchi, owner, for a change in zoning from "AA" to "C" for land municipally known as 1258 Upper Wentworth Street; Crerar Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 12, respecting the above-noted matter.

Report of the circularization was given as follows:

153 notices sent 5 in favour 1 opposed

The Committee approved the following:

- (a) That approval be given to Subdivision Application 25T-89030, Luciano Scornaienchi, owner, to establish a draft plan of subdivision north of Stone Church Road and west of Upper Wentworth Street, subject to the following conditions:
 - (i) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1990 October 16, showing 12 lots, 1 block, (Block "13") for development with adjacent lands, 2 blocks (Blocks "16" and "17") as 0.3 metre reserves and two Blocks (Blocks "14" and "15") as road widenings.
 - (ii) That the streets and the street widening be dedicated to the City of Hamilton as a public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.

- (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Block "13" be developed only in conjunction with adjacent lands.
 - (ix) That Blocks "14" and "15" be dedicated as public road allowances.
 - (x) That Blocks "16" and "17", the 0.3 m reserves be conveyed to the City of Hamilton and the Region of Hamilton-Wentworth respectively.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-89030), Luciano Scornaienchi, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 90-81, Luciano Scornaienchi, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property municipally known as 1258 Upper Wentworth Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. E-18C for presentation to City Council;
- (c) That the proposed change in Zoning is in conformity with the Official Plan for The Hamilton Planning Area.

Note: The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property municipally known as 1258 Upper Wentworth Street.

The effect of the By-Law is to subdivide the subject lands into building lots for single-family detached dwellings.

11. Zoning Application 90-32, J. Calzonetti, owner and prospective owner, for change in zoning from "AA" and "C" to "RT-20" and "HH" modified, for properties municipally known as 829, 837, 845 and 867 Rymal Road East; Eleanor Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 13, respecting the above-noted matter.

Report of the circularization was given as follows:

305 notices sent 5 in favour 7 opposed

Mr. Calzonetti, owner, was in attendance and indicated that they are largely in agreement with the staff recommendation, but would like to have the walkway removed and would also like to have the uses modified.

The Committee was also in receipt of a letter of submission from Paul Silvestri, President, Silvestri Investments, who own Block 21 and 22, opposite the applicant's lands. Mr. Silvestri was in attendance at the meeting and indicated that he wants to have the Eaglewood Subdivision completed first before the properties on Rymal Road commence.

A great deal of discussion ensued on this matter and it was agreed that this application would be tabled until the next meeting of the Committee, which will be held on Wednesday, 1991 March 6, in order that an opportunity be given to both developers to hopefully come to some agreements on the land use of their abutting lands.

The Committee also directed that the Planning Staff hold the necessary neighbourhood meetings on the possibility of closing the walkway on the Rymal Road East lands.

12. Zoning Application 90-84, Kingdom Properties Inc., prospective owner, for a change in zoning from "H" to "E" and modification to the "E" District regulations for property municipally known as 623 Upper James Street; Centremount Neighbourhood.

The Committee was also in receipt of a letter of submission from Anne & Andrew Philpot, 15 Bruce Dale Avenue East.

The Committee was advised that this application has been withdrawn by the applicant and accordingly, this item was deleted from the Committee Agenda.

13. Zoning Application 90-73, M. Finocchio and Mascia Enterprise, owners, for a change in zoning from "AA" to "RT-20" for land on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.

Mr. J. Finocchio, representative of the owners, was in attendance and spoke to the Committee. He asked the Committee to table this matter in order that the Manager of Housing Advocacy with the Ministry of Housing, Susan MacDonald could meet with the Planning staff respecting the affordable housing aspects of this application in light of the denial recommendation of staff.

Accordingly, the Committee agreed to table this application for 60 days (to be reheard at the 1991 May meeting of the Committee, or earlier if possible.) The Committee further directed that when this matter does come back to the Committee that it be re-circularized to the neighbourhood and further that the Ward Aldermen be kept advised of the negotiations in this matter.

ADDED - APPEAL BY YEN KING RESTAURANT - 491-493 UPPER WELLINGTON STREET

The Committee was in receipt of a report from the Acting Secretary of the Transport and Environment Committee dated 1991 February 19, respecting a Committee of Adjustment Appeal for property at 491-493 Upper Wellington Street.

The Committee approved the following:

That the Planning and Development Committee be requested to support the appeal by Yen King Restaurant, 491-493 Upper Wellington Street, against the Committee of Adjustment denial decision to not allow for a minor variance from the Zoning By-law to permit the parking area in the rear of the restaurant without providing the required spatia separation from the adjoining residential district.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 February 20

CITY OF HAMILTON
- RECOMMENDATION -

B.

DATE: 1991 February 18

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

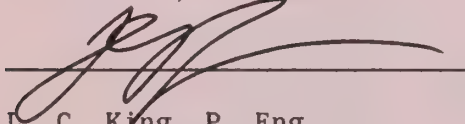
FROM: Mr. L. C. King, P. Eng.
Building Commissioner

FEB 26 1991

SUBJECT: By-Law for the Appointment of a Chief Building
Official and Inspectors pursuant to The Building
Code Act, R.S.O., 1980, Chapter 51

RECOMMENDATION:

a) That the appropriate by-law be enacted to consolidate By-Law 87-312, as amended.



L. C. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

By-Law 87-312 is the By-Law under which the Building Commissioner and other Inspectors are appointed. Because of the recent changes in the staff of the Building Department, we would request that By-Law 87-312 be consolidated to reflect these changes.

The Corporation of the City of Hamilton

BY-LAW NO. 91-

Respecting:

**THE CHIEF BUILDING OFFICIAL AND INSPECTORS APPOINTED UNDER
THE BUILDING CODE ACT, 1974, STATUTES OF ONTARIO, CHAPTER 74**

WHEREAS The Building Code Act, 1974 was proclaimed and came into force on December 31, 1975;

AND WHEREAS Ontario Regulation 925/75 made on November 12, 1975 and filed on November 24, 1975 in accordance with section 18 of The Building Code Act, 1974, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of The Building Code Act, 1974 provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of The Building Code Act, 1974 provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act;

AND WHEREAS By-law No. 87-312 passed on the 10th day of November, 1987, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments;

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-law No. 87-312 was enacted.

AND WHEREAS in City Council adopting section of the Report of the Planning and Development Committee, authorized the preparation of this by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:

Leonard C. King, P. Eng.

- (b) The title of the chief building official shall be as follows:

Building Commissioner.

2. (a) The following person is appointed an Inspector:

Peter C. Lampman, P. Eng.

- (b) The title of the Inspector appointed under clause (a) shall be as follows:

Deputy Building Commissioner.

3. The person appointed inspector under clause (a) of section 2 is hereby appointed chief official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an inspector:

Brian D. Allick.

(b) The title of the inspector appointed under clause (a) shall be as follows:

Manager of Inspections.

5. (a) The following person is appointed an inspector:

Wak-Keun Wong, P. Eng.

(b) The title of the inspector appointed under clause (a) shall be as follows:

Manager of Plan Examination.

6. (a) The following person is appointed an inspector:

Larry W. Harvey

(b) The title of the inspector appointed under clause (a) shall be as follows:

Supervisor, Building Standards.

7. (a) The following persons are each appointed an inspector:

Donald J. Inglis

John Spolnik

(b) The title of each of the inspectors appointed under clause (a) shall be as follows:

Supervisor, Inspection Services.

8. (a) The following persons are each appointed an inspector:

Jan Janosik, P. Eng.

Wing S. Lee, P. Eng.

Mudbidri Somasheker Rao, P. Eng.

Thomas Redmond, P. Eng.

(b) The title of each of the inspectors appointed under clauses (a) shall be as follows:

Building Engineer 1

9. The following persons are each appointed an Inspector:

Bauwe Bethlehem

Italo J. Dominic

John Ivezic

Rex Mansell

Morris Marsalla

Michael Shepherd

John Thomas

Peter Gobbo

Rae Ilton

Johnny Walker

Steven Kuczerepa	Brian Baxter
Michelle Oproiu	Bryan Moon
Russell J. Dorr	David Gibson
Sandra Tucker	Robert H. Bradshaw
Alexander Fedora	George A. Korz
Charles Hewitt	Douglas Clark
Ronald Doucet	Michael Verboom
Gary Daly	Gene Penko
John Lane	Natalie Gould
Ken Edgar	Glen McCrory
Steve Teal	William Dupont

10. By-law 87-312 as amended by By-laws Nos. 88-170, 89-184, 89-217, 89-247, 90-27, 90-103, is hereby repealed.

PASSED this day of A.D. 1991.

City Clerk

Mayor

(1991) - R.P.D.C.

CITY OF HAMILTON
- RECOMMENDATION -

C.

DATE: 1991 February 20

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

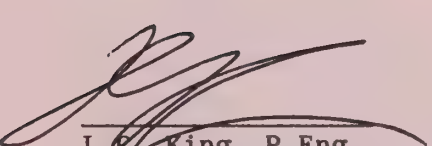
FEB 21 1991

FROM: Mr. L. King
Building Commissioner

SUBJECT: 1991 Annual Conference of the Ontario Association
of Committees of Adjustment

RECOMMENDATION:

That two members of the Committee of Adjustment be authorized to attend the 1991 Annual Conference of the Ontario Association of Committees of Adjustment and consent Authorities to be held for three days, 1991 June 2 - 5 in Niagara Falls, Ontario at an expense not exceeding \$750 each to be charged to Account No. CH 55201-10010, Legislative Travelling.



L. King, P.Eng.
LOR/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted Conference is an educational conference of mutual benefit to all members across the province.

D

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 27

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

FEB 27 1991

SUBJECT: *Alpha Enclave (West) - Proposed Expropriation*

RECOMMENDATION:

That the appropriate By-law to expropriate the following properties in the City of Hamilton, for the purpose of acquiring lands, buildings and structures used or erected for a purpose which does not conform with the Zoning By-law be enacted:

211 Brant Street

217 Brant Street

358 Birch Avenue

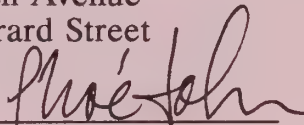
388 Birch Avenue

402 Birch Avenue

9 Gerrard Street

23 Gerrard Street

27 Gerrard Street


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: Property Department advised that there are sufficient funds in the City's *Alpha Enclave Clearance Program* (account CCF55903 08750001) to cover the costs of these expropriations.

BACKGROUND:

Council at its regular meeting June 27, 1989 approved expropriation proceedings for acquisition of residential properties located within an Industrial Zone as contemplated by s. 34(8) of the Planning Act R.S.O. 1983 c. 1.

DISCUSSION:

The City has acquired to date 26 of 39 residential properties in the "*Alpha Enclave (West)*" program. As authorized by Council on June 27, 1989, Notice of Intention to Expropriate these properties was advertised and served on all persons having an interest in the lands described. Only one request for an Inquiry Hearing on the proposed expropriations was received. This request has been abandoned by the applicant.

Negotiations by the Property Department with the property owners to acquire the remaining eight residential properties listed above have either not been successful, or if successful could not be completed due to title problems. The next step in the Expropriation process now proposed for consideration is passage of the appropriate By-law authorizing registration of the City's Expropriation Plan on title. This step would vest ownership of the lands in the City's name, and Land Compensation Hearings to determine the specific amounts payable would be scheduled.

CITY OF HAMILTON
- RECOMMENDATION -

E.

DATE: 1991 February 25

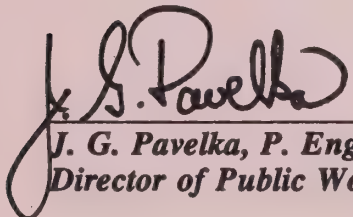
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Central Beasley Programme For Renewal, Improvement,
Development and Economic Revitalization (P.R.I.D.E.) -
Community Improvement Plan

RECOMMENDATION:

That, a Public Meeting be held to receive citizen input on the attached Central Beasley P.R.I.D.E. Community Improvement Plan.


J. G. Pavelka, P. Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Since 1990 September, staff and the Central Beasley Citizen's Advisory Committee have been meeting to review and draft the Central Beasley Community Improvement Plan. The Citizen's Advisory Committee approved the Plan at its meeting held 1991 February 18. Now, residents of the Central Beasley P.R.I.D.E. area must be given the opportunity to review the Community Improvement Plan.

The Community Improvement Plan is necessary to implement the area's P.R.I.D.E. Central Beasley P.R.I.D.E. is provided for in the 1990-1994 Capital Budget as Project Number 111.0 at the gross cost of \$627,000.

DRAFT

CENTRAL/BEASLEY

COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1990 DECEMBER

TABLE OF CONTENTS

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A) Introduction to the Community Improvement Plan	1
B) Neighbourhood Profile	1
C) Community Improvement Plan	3
D) Implementation Process/Schedule	5
E) Conclusion	6

SCHEDULES

- "A" Central/Beasley P.R.I.D.E. Community Improvement Project Area Map**
- "B" Neighbourhood(s) Zoning Map**
- "C" Neighbourhood(s) Land Use Map**

CENTRAL/BEASLEY COMMUNITY IMPROVEMENT PLAN

A) Introduction to the Community Improvement Plan

On 1989 December 01, at the request of Hamilton City Council, the Department of Community Development applied for Provincial funding for the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for the Central/Beasley Neighbourhood. Subsequently, a letter dated 1990 July 04, from the Honourable John Sweeney, Minister of Municipal Affairs, approved a Provincial contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.). This will be matched by a contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the City of Hamilton, for a total of six hundred and twenty-seven thousand dollars (\$627,000.) to address residential concerns.

In 1990 December, a Neighbourhood Advisory Committee was established by both election and appointment at a public meeting, for the purpose of obtaining public input in order to draft this Community Improvement Plan. As well, a survey of the neighbourhood residents was administered and staff input given during the plan formulation.

The provision of neighbourhood services is essential to the well-being of residents, business and industry in the area and surrounding communities. These services include parks, recreational and social programmes, schools, hard services (such as roads, lighting improvements, streetscaping) and buffering.

Parkland provides opportunity for both spontaneous and programmed forms of recreation for all age groups. It is desirable to provide parkland within walking distance of all residents.

Also, institutional uses such as schools and meeting halls serve as focal points for community participation in the neighbourhood.

This Community Improvement Plan conforms with the City of Hamilton's Official Plan, the Property Standards By-law No. 74-74, the Central and Beasley Neighbourhood Plans.

All attached schedules do not form part of this plan.

B) Neighbourhood Profile

The Central and Beasley Neighbourhoods comprise approximately 223 hectares in Hamilton's Central Business District with a total population of approximately 9,000 persons (1988 Population Statistics). These adjacent neighbourhoods are bounded by the Canadian National Railway to the north, Main Street to the south, Wellington Street in the east and Queen Street in the west.

Central and Beasley Neighbourhoods contain a wide variety of land uses (1987 Land Use Characteristics) including residential (40%), commercial (23%), industrial (12%), open space (4%), institutional (8%), and other, such as transportation, communication, utilities and parking (13%).

The Community Improvement Project Area for the Central and Beasley Neighbourhoods (hereafter referred to as the Central/Beasley Neighbourhood for purposes of this plan) is made up of only part of these two neighbourhoods. Approximately 75% of Beasley and 30% of Central are included (see location map, Schedule 'A'). Portions have been excluded due to involvement in other improvement plans such as the Downtown Action Plan.

Housing in Central/Beasley is mixed with single family homes, multi-unit homes, row housing, low rise and high rise apartments, and some newer townhouses. Being in the downtown core, the housing in Central/Beasley can be characterized as being some of the oldest in the City. Approximately 65% of the residential units were constructed prior to 1900, 32% between 1901 and 1940, and only 3% between 1940 and the present.

Commercial uses are concentrated mainly on the major arterial roads such as Wilson, Cannon, Barton, Wellington, York Boulevard, and Bay Streets. Again, being in the Central Area, mixed commercial/residential uses are abundant, even on the non-arterial streets.

Industrial uses are limited mainly to the northerly area of the Central/Beasley Neighbourhood. This can be attributed to the Canadian National Railway which is the northerly boundary of both Central and Beasley Neighbourhoods.

There are two schools in the Community Improvement Project area. St. Mary's Elementary School is under the jurisdiction of the Hamilton-Wentworth Roman Catholic School Board Separate School System. The Dr. J. Edgar Public School is the responsibility of the Hamilton Board of Education Public School System. The latter provides the potential for development in conjunction with the adjacent Beasley Neighbourhood Priority One Park.

Land use in Central/Beasley is regulated by zoning by-laws which are controlled by the City of Hamilton Official Plan, Central and Beasley approved Neighbourhood Plans and related policies. Both the Central and Beasley Neighbourhood Plans were adopted by City Council in 1973. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. The Beasley Priority One Park, adjacent to the Dr. J. Edgar Davey Public School, is identified in the Beasley Neighbourhood Plan.

As well, the Central/Beasley Neighbourhood falls within the boundaries of the Central Area Plan, which is a document adopted by City Council in 1988 providing policy directions for the Central Area. It encourages balanced growth through guidelines for residential, commercial, institutional, industrial, recreation and cultural land use.

Very little parkland is available in Central/Beasley for use by its residents and workers. Areas for both active and passive recreation would greatly improve the quality of life in the Neighbourhood.

The Central/Beasley Neighbourhood is an older mixed use area in need of upgrading to enhance its social, recreational, commercial and industrial facilities.

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps the neighbourhood will take to achieve the goals

Actions - what the neighbourhood will implement in order to achieve the objectives

GOAL ONE

Develop Public Awareness as to Neighbourhood Needs

Objective 1.1 Create an effective Neighbourhood Association to identify problems and address same.

Action 1.1.1 For the Central/Beasley P.R.I.D.E. Citizens Advisory Committee to carry on and follow through on Objective 1.1, once the P.R.I.D.E. process has been completed.

Action 1.1.2 For the Neighbourhood Association to elect a President.

Objective 1.2 Create an understanding of local government procedure.

Action 1.2.1 The Citizens Advisory Committee actively take a role in reviewing neighbourhood concerns that cannot be addressed by the P.R.I.D.E. process.

GOAL TWO

Develop High Quality Recreation Services

Objective 2.1 Improvements to existing parks and facilities.

Action 2.1.1 Rehabilitate Beasley Park.

Action 2.1.2 Neighbourhood Association submit request to Parks Maintenance to review maintenance programs (for entire area as well).

Objective 2.2 Create new recreational facilities.

Action 2.2.1 Expand Beasley Park to the northeast.

Action 2.2.2 Neighbourhood Association request feasibility study for building Community Recreation Centre onto Davey School.

Action 2.2.3 Build passive park behind 195 Elgin (Cancord Inc.)

Objective 2.3 Improve accessibility to existing recreational facilities.

Action 2.3.1 Crosswalk across John Street between Robert and Cannon to access McClaren Park.

GOAL THREE

Increase Public Safety

Objective 3.1 Reduce crime in the neighbourhood.

Action 3.1.1 Neighbourhood Association works with local authorities in identifying concerns.

Action 3.1.2 Police be invited to make presentation to the Neighbourhood Association about various programs (i.e. Crime Stoppers, Business Watch, etc.).

Objective 3.2 Improve the walking conditions in the neighbourhood.

Action 3.2.1 St. Mary's pathway improvements (i.e. lights, aesthetics).

Action 3.2.2 Neighbourhood Association identify sidewalk improvement areas and review same with Regional Engineering.

Action 3.2.3 Neighbourhood Association identify areas in need of improved lighting (sidewalks, alleyways, parking lots) and review same with Hamilton Hydro Electric Systems.

Objective 3.3 Improve on-street parking.

Action 3.3.1 Neighbourhood Association identify problem areas and review same with the Traffic Department and the Parking Authority.

GOAL FOUR

Better Overall Health of the Community

Objective 4.1 Improve accessibility to existing social service agencies in the area.

- Action 4.1.1** Streetscaping Improvements to social service agencies.
- Action 4.1.2** Provide housing loans information to social service agencies for the encouragement to rehabilitate their facilities and provide better services.
- Action 4.1.3** Encourage social service agencies to work with newly developed community services.

Objective 4.2 Improve the environmental quality of the neighbourhood.

- Action 4.2.1** Neighbourhood Association request Ministry of the Environment most recent report with respect to air quality.
- Action 4.2.2** Neighbourhood Association identify litter problem areas and review same with the Department of Public Works.
- Action 4.2.3** Neighbourhood Association contact Keep Hamilton Clean Committee for input.

Objective 4.3 Improve general information and referral services in the area.

- Action 4.3.1** Neighbourhood Association request that local agencies make presentation of services provided.
- Action 4.3.2** Neighbourhood Association distribute 4.3.1 information to the community (i.e. newsletter).

D) IMPLEMENTATION PROCESS/SCHEDULE

Implementation of the Central/Beasley P.R.I.D.E. Programme will occur from 1991-1993. The total cost of this project will be six hundred and twenty-seven thousand dollars (\$627,000.) where the contributions are 50% Municipal and 50% Provincial.

Improvements will include park development and rehabilitation, social services accessibility, parking lot buffering and lighting improvements.

Design Consultant site plans will be presented to the Public in the Spring of 1991 after review with staff and the Citizens Advisory Committee and construction will proceed in the Fall of 1991.

Non-P.R.I.D.E. Identified concerns will be addressed by the Citizens Advisory Committee/ Neighbourhood Association, with the support of Municipal staff.

E) CONCLUSION

The City of Hamilton has grown and developed rapidly over the past few years. With this change arises the need for community improvement, specifically within the Central/Beasley P.R.I.D.E. area. Both Hamilton City Council and the public acknowledge the significance of redevelopment and rebuilding which will enable this neighbourhood to maintain and grow in it's future viability.

With tempered accomplishments through the Central/Beasley P.R.I.D.E. we hope to augment the excellence of life, improve recreation, health and safety amenities to this, the oldest neighbourhood within the City.

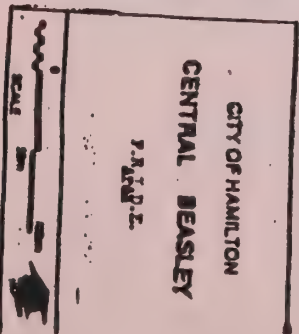
Finally, it is hoped that this P.R.I.D.E. process will help to develop a neighbourhood strength and pride to continue on with the betterment of all who live in this neighbourhood.



Schedule 'B'



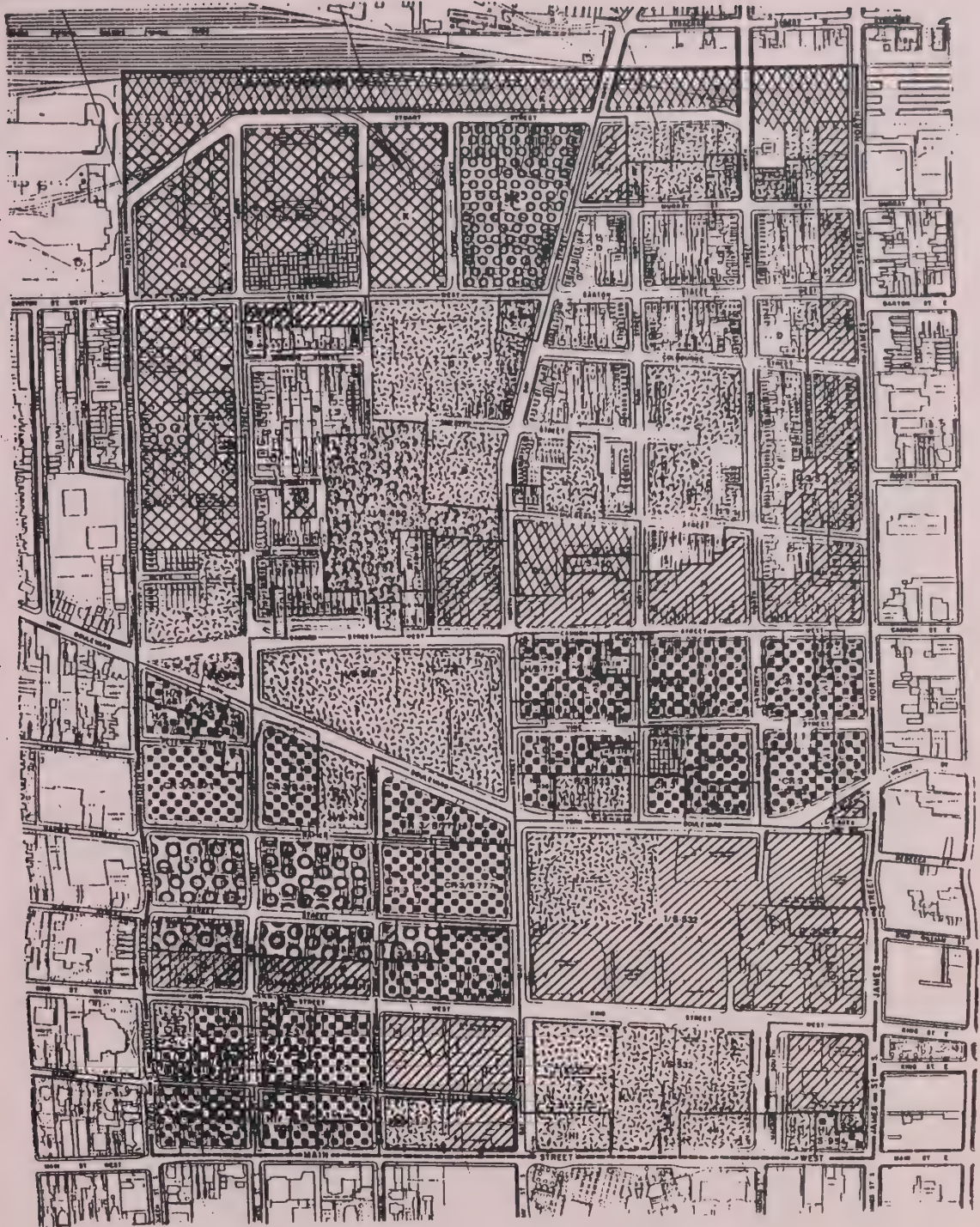
Schedule 'A'





All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 90-296.

<table border="1"> <tr> <td>107</td> <td>106</td> <td>80</td> </tr> <tr> <td>21</td> <td>10</td> <td>95</td> </tr> <tr> <td>41</td> <td>31</td> <td>125</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department.</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared by The City of Hamilton in accordance with the City of Hamilton Zoning By-law No. 90-296</p>	107	106	80	21	10	95	41	31	125	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p> <p>SCALE 1:10,000</p>
107	106	80								
21	10	95								
41	31	125								



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

- ★ PROPOSED SPECIAL POLICIES FOR DEVELOPMENT ON NORTH AND WEST PERIMETER OF THE BLOCK
- ORIENTATION OF UNITS TOWARDS THE INSIDE OF THE SITE
- ROW FORM OF HOUSING
- SUBJECT TO NOISE STUDY AND DECOMMISSIONING PLAN
- AIR CONDITIONING

All Lands Within This Neighbourhood is Subject To Site Plan Control By Law No. 80-285.

EXISTING POPULATION (1985) 3847

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

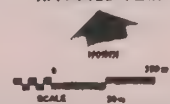
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

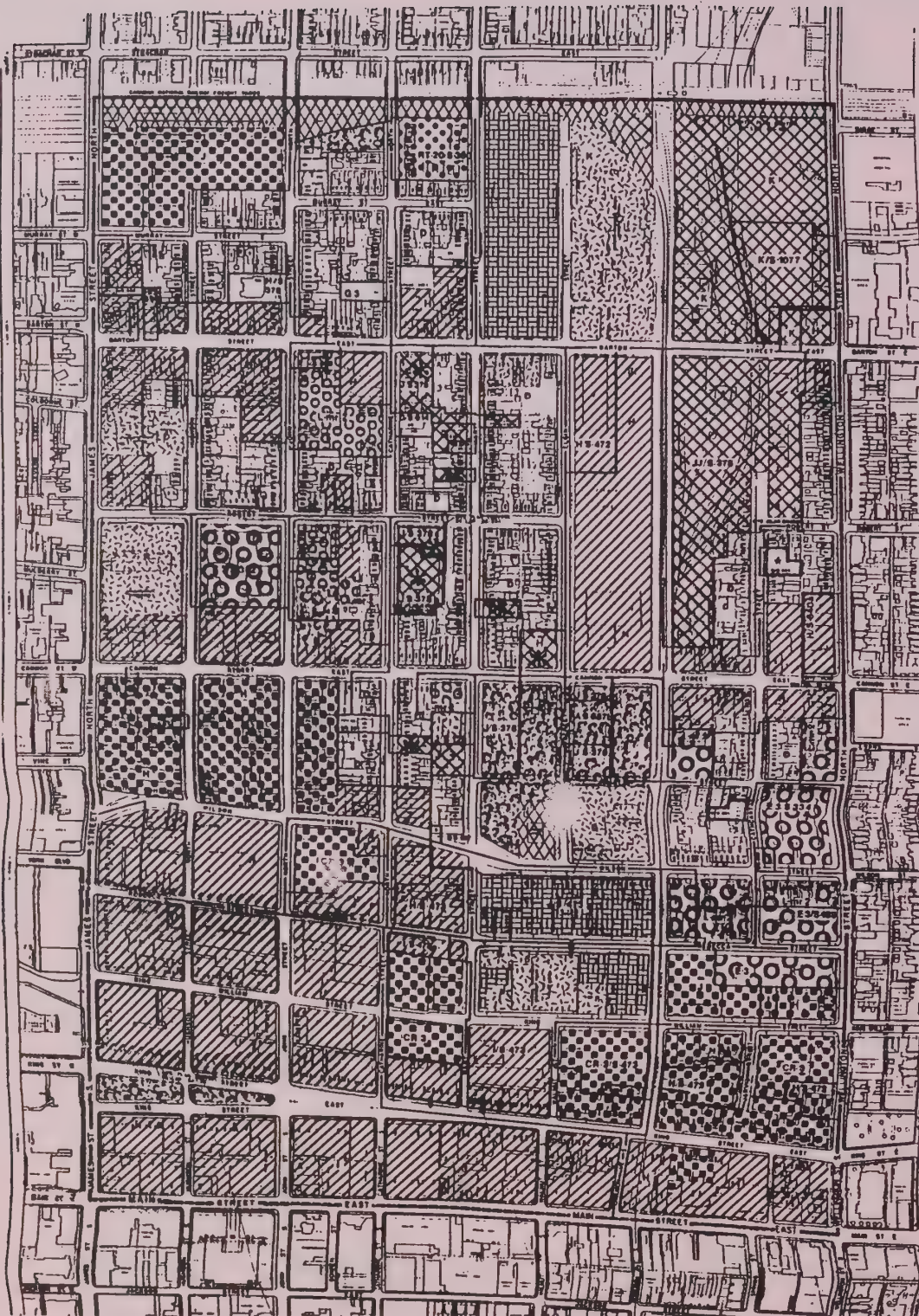
- Neighbourhood Boundary
- Zoning Boundary

Approved
 Planning Committee MAY 1, 1989 Council JUNE 12, 1989
 Latest Revision Date NOV. 13, 1990

CITY OF HAMILTON
 PLANNING DEPARTMENT

CENTRAL
 APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

★ Temporary Parking
(See Zoning Application 83-73)

* Future Uses On The Site May Be
Industrial, Commercial Or Residential In
Accordance With The Central Area Plan
Performance Standards.

All Lands Within This Neighbourhood Is Subject
To Site Plan Control By Law No. 90-285.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- URBAN TREES

--- Neighbourhood Boundary
--- Zoning Boundary

Approved

Planning Committee June 21, 1973 Council Nov. 27, 1973

Latest Revision Date J.A.M. 1999

CITY OF HAMILTON
PLANNING DEPARTMENT

BEASLEY

APPROVED PLAN



100' 0"

Schedule 'C'

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

AA.

TEL: 546-2100
FAX: 546-2095

1991 February 28th

VIA FAX (416) 527-3497

Mr. John Ariens
Director of Development
Planning Initiatives Ltd.
46 Jackson Street East
Hamilton, Ontario
L8M 1L1

Dear Mr. Ariens:

This will confirm my conversation with your partner this morning to advise that the Planning and Development Committee will receive a Delegation from your Company, respecting your request for a Carpenter Neighbourhood Plan Review. Your Delegation will be heard by the Planning and Development Committee at its meeting to be held Wednesday, 1991 March 6th, at 9:30 o'clock a.m., in Room 233, City Hall. Attached herewith is a report respecting your request which will be presented to the Committee at the above-noted meeting.

Yours very truly,

Susan K. Reeder
Secretary
Planning and Development Committee

Attch.

- c.c.- Alderman D. Drury, Acting Chairman
Planning and Development Committee
- Alderman D. Ross, Ward 8
- Mr. A. Georgieff, Director of Local Planning



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

February 1, 1991

Refer to File No. P5-2-20
Attention of
Your File No.

Alderman Lombardo
c/o Aldermen's Office
City Hall, Hamilton

Dear Alderman Lombardo:

FEB 5 1991

Re: Review of Carpenter Neighbourhood

Planning Initiatives, in a letter dated January 22, 1991 (attached) would like the Department to speed up the review of Carpenter Neighbourhood Plan. The firm has asked to appear before Planning and Development Committee to represent interests of owners of land in Carpenter Neighbourhood (see attached map). A review of Carpenter Neighbourhood is needed in any event to change the proposed retirement village to conventional housing.

Planning Initiatives wishes to revise the neighbourhood plan by introducing higher density residential. However, there is limited sewer capacity and there are questions about the suitability of higher density residential uses.

We are constrained by staff availability to complete a plan this year. There is pressure to work on other mountain neighbourhoods, e.g. Mountview, Allison, Mewburn West/Sheldon, Falkirk West and the East Mountain Industrial Area. I suggest that Planning Initiatives be invited to the Planning and Development Committee on February 20. Their presentation can be considered input to the afternoon discussions of the Committee on the budget and work program.

Please feel free to call David Godley at 546-4229.

Yours truly,

A. L. Georgieff, M.C.I.P.
Director of Local Planning

c.c. S. Reeder

D.G.:ns
A:\NEIGHGEN.2

RECEIVED

January 22, 1991

JAN 25 1991

File No. HP 147

CITY CLERKS

Chairman and Members
City of Hamilton
Planning Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sirs:

Re: Carpenter Neighbourhood

As you are all aware the Carpenter Neighbourhood is located in the south-west quadrant of the City of Hamilton. In particular this neighbourhood is located south of Rymal Road and west of Garth Street. The Carpenter Neighbourhood Plan proposes a mix of low density residential development, two school sites and a comprehensively planned development being the extension of the Villages of Glancaster, currently located within the Township of Glanbrook.

The purpose of this letter is to outline some recent changes which have occurred within the neighbourhood resulting in the need to proceed with a comprehensive Neighbourhood Plan amendment. First and foremost the most westerly 18.2ha have been assembled and are proposed to be developed in a joint venture by Jubilee Consulting Services of Hamilton and Brusan Development Corporation. Jubilee has been involved in the development and construction of numerous non-profit/affordable housing projects throughout Hamilton-Wentworth and surrounding Regions while Brusan is a development company formed by one of Hamilton-Wentworth's most respected builders, Mr. Peter DeSantis. The other important change is that the lands proposed for the extension of the Villages of Glancaster have been purchased by DiCenzo Construction and the former development proposal is no longer valid.

Brusan and Jubilee are very anxious to proceed with a comprehensive "affordable" development proposal for their lands. The firm has prepared a preliminary draft plan containing low density dwellings (singles) street townhouses, block townhouses, seniors apartments and three story walk-up apartments. This project can accommodate some 600 units of which 80% will be for multiple family purposes yet still not exceed three stories in height. The multiple family component also represents $1\frac{1}{2}$ years supply of affordable housing for the City of Hamilton. The Brusan-Jubilee lands are ideally suited for multiple

purposes. Being adjacent to a major hydro corridor there is also an opportunity to provide a major open space corridor as part of the Neighbourhood Plan redesign.

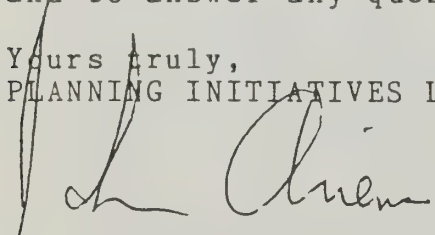
We have met with Planning Staff on several occasions and previously obtained a commitment from them that the Carpenter Neighbourhood Plan review would be completed by the summer of 1991 (see attached letter). This would also coordinate with the installation of trunk sewers to this area. Since that time we have verbally been advised that due to limited staff resources the Neighbourhood Plan review will not be undertaken at all this year.

As you are all aware the process to develop raw land is very time consuming and even after the Neighbourhood Plan is amended a draft plan of subdivision and Zoning By-law amendment must still be processed and approved. Accordingly any delay in the Neighbourhood Plan review will cause significant delays to the provision of the much needed affordable housing.

The recently adopted Provincial Policy Statement on Housing contained requirements for municipalities to streamline or "fast track" the approval process for affordable housing developments. This project will greatly contribute to the supply of affordable housing in the City of Hamilton and on behalf of our clients we request that the review of Carpenter Neighbourhood be given a priority rating and be completed as soon as possible in order to provide the much needed affordable housing.

We therefore respectfully request that this matter be referred to the next available Planning and Development Committee where we will appear as a delegation to further explain this exciting development proposal and to answer any questions that the Committee may have.

Yours truly,
PLANNING INITIATIVES LTD.



John Ariens
Director of Development

JA:11

cc: George Barclay
Mary Gallagher



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

48147

Fax No. 546-4202

July 20, 1990

Refer to File No.

Attention of

P5-2-20

Your File No.

Mr. John Ariens
Planning Initiatives Ltd.
Engineers, Planners and Landscape Architects
46 Jackson Street East
Hamilton, Ontario
L8M 1L1

Dear Mr. Ariens:

Re: Neighbourhood Plan Review - Carpenter Neighbourhood

Thank you for your proposed draft plan of subdivision which we discussed at the meeting on July 18, 1990. The Carpenter Neighbourhood Plan review was included in our work program to revise the proposed self-contained retirement village shown on the attached plan. The proposals put forward by your firm will make a full review necessary and I have attached a tentative schedule.

Completion is targeted for summer, 1991, to coincide with installation of trunk sewers.

If you have any questions, please call Gerry Groppler at 5546-4146.

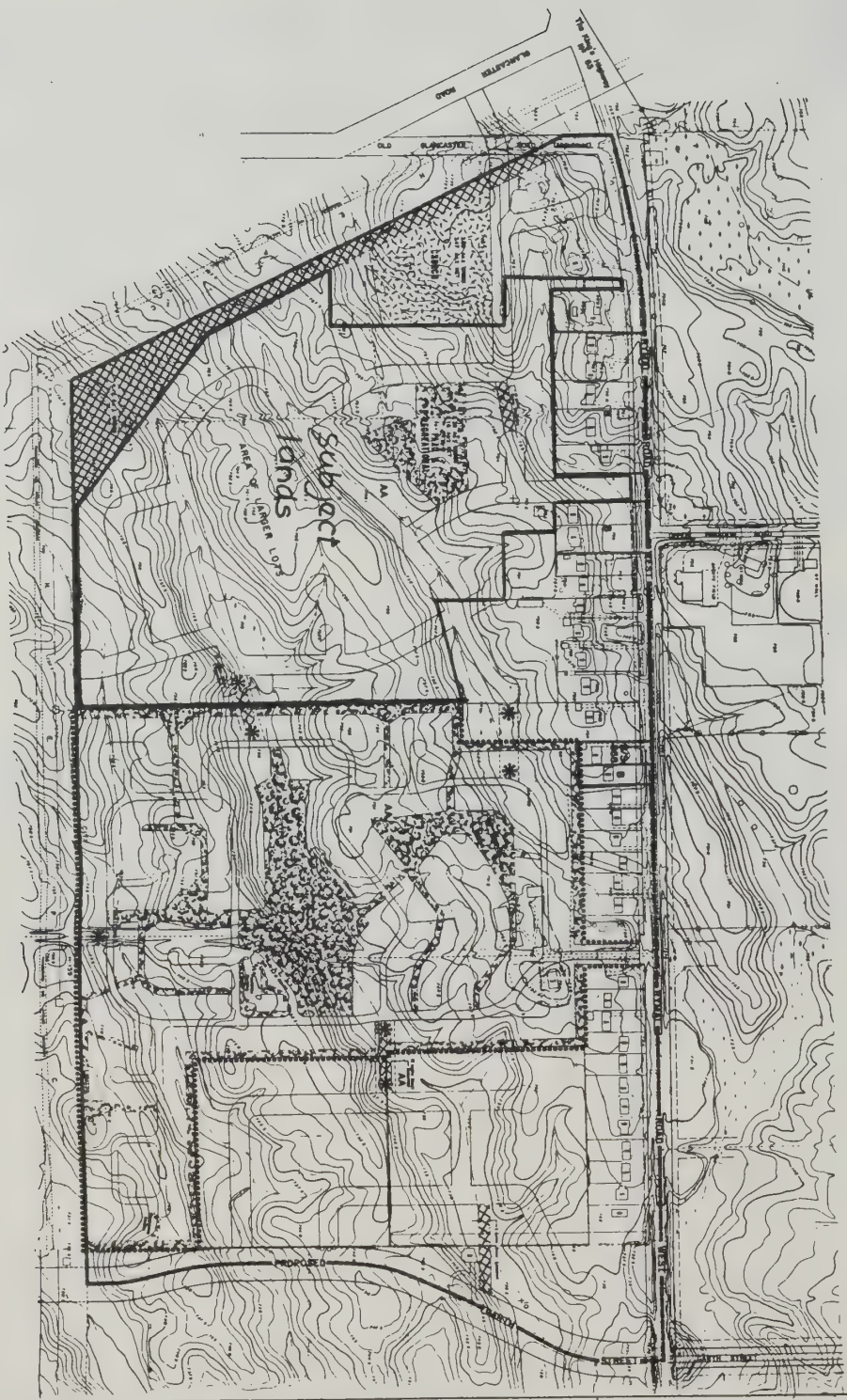
Yours truly,

A. L. Georgieff, M.C.I.P.
Director of Local Planning

DG:CS
Carpenter

Attach.

cc - V. Abraham



Note: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

- LANDS OF THE ROMAN CATHOLIC SEPARATE SCHOOL BOARD
- LANDS OF THE HAMILTON BOARD OF EDUCATION
- * FUTURE ROAD CONNECTION IF REQUIRED

EXISTING POPULATION (1985) 192

LAND USE

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial and apartments
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

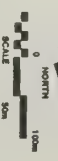
- Neighbourhood Boundary
- Zoning Boundary
- Barham Retirement Village Boundary

Approvals
Planning Committee April 1, 1987 Council April 14, 1987
Latest Revision Date February 23, 1988

CITY OF HAMILTON

Planning Department

CARPENTER
APPROVED PLAN



2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 28

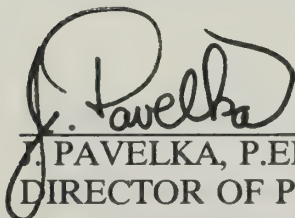
REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Public Works Department, Community Renewal Section,
Application For Funds under the Job Development Grant
Programme.

RECOMMENDATION:

- (a) That the Community Renewal Section of the Public Works Department be authorized to make application to the Federal Government, Canadian Job Strategies Department for funds under the Job Development Grant Programme (totalling \$78,221) to hire temporary full-time staff for placement in a central B.I.A. office to foster a partnership amongst the B.I.A.'s and the City of Hamilton and to assist the B.I.A.'s Boards of Management in delivery of services; and,
- (b) That the Mayor and City Clerk be authorized to sign the Federal/Municipal Agreement for the purpose of implementing the Job Development Programme.



J. PAVELKA, P.ENG.
DIRECTOR OF PUBLIC WORKS

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial contributions required from the City.

However, there would be a contribution of \$700 per term (40 weeks) from each of the 5 B.I.A.'s for a total of \$3,500.

BACKGROUND:

A total grant contribution from the Federal Government will be approximately seventy-eight thousand, two hundred and twenty-one dollars (\$78,221) with no financial contribution from City Council. The following B.I.A.'s will take part in the programme.

1. Main Street West B.I.A.
2. Westdale Village B.I.A.
3. Jamesville B.I.A.
4. Barton General B.I.A.
5. Concession Street B.I.A.

Currently, due to limited financial resources, these B.I.A.'s have either very limited staff resources or no staff resources.

This grant would provide for 4 staff members;

1. co-ordinator
2. staff reporting to the co-ordinator

Together these 4 staff would provide administrative, marketing and/or promotional activities to improve the profile and effectiveness of the B.I.A.'s.

JGP/JM/jdh

c.c. Ms. P. Noé Johnson, City Solicitor
Mr. D. Farquhar, Manager of Administration
Mr. E. C. Matthews, Treasurer

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 26, 1991
P-7-3-2

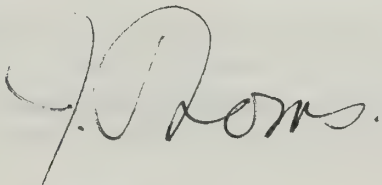
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

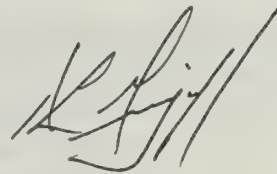
SUBJECT: Ancaster Official Plan Amendment No. 39 - Request for Comments - Town
of Ancaster

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that the Clerk be requested to advise the Town of Ancaster that Amendment No. 39 to the Ancaster Official Plan has no impact on the planning intentions of the City of Hamilton.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

EXPLANATORY NOTE:

The Town of Ancaster has requested the City's comments, amongst others, on their Official Plan Amendment No. 39. The purpose of the Amendment is to implement the Secondary Plan prepared for the Scenic Woods South Neighbourhood located on the south side of Mohawk Road, approximately 100 m west of the Hamilton City limits.

BACKGROUND AND REPORT:

The Town of Ancaster has requested the City's comments on the Town's Official Plan Amendment (O.P.A.) No. 39 (see Appendix 1 attached). This Amendment is intended to implement the Secondary Plan for the Scenic Woods South Neighbourhood (see Appendix 2 attached), on the south side of Mohawk Road, approximately 100 m west of the City limits. O.P.A. No. 39 was prepared in response to Policy 5.6.16 of the Ancaster Official Plan which requires the preparation of a detailed Secondary Plan to guide future residential development in the area.

The lands effected by the proposed Amendment are approximately 11 ha (27 acres) in size and are bounded by Mohawk Road on the north, the Red Hill Creek Expressway right-of-way to the south and west, and the Ontario Hydro corridor to the east.

The basis of the Amendment, as noted in the O.P.A. is:

- to implement the Secondary Plan as required by Policy 5.6.16 of the Official Plan;
- to provide for the opportunity for "innovative" and "affordable" housing in keeping with Provincial housing objectives; and,
- to reinforce an existing service commercial use adjacent to the Hydro corridor.

Major features of the proposed amendment include:

- the redesignation of approximately .1 ha (.04 acre) immediately adjacent to the Hydro corridor from "Residential" to "Commercial" with a limitation to "service oriented commercial" uses;
- specific policies for individual blocks detailing residential densities of each with a range from 22 units/ha (9 units/acre) to 50 units/ha (20 units/acre);
- specific policies to:
 - permit a retirement residence on the most westerly block;
 - provide for landscaping, screening and building design to reduce visual impacts of proposed multiple dwellings on existing single family dwellings to the north (outside the area) and to buffer adverse impacts of the Red Hill Creek Expressway;
 - ensure appropriate access is provided to Mohawk Road; and,
 - encourage future development which is sensitive to the existing undulating terrain and tree cover.

The Secondary Plan forecasts development generated in this area would be approximately 276 units in total.

The City of Hamilton Official Plan designates lands in the City adjacent to the area of this proposed amendment as "Residential", south of Mohawk Road and east of the City limits. Existing development includes a donut shop at the south west corner of Upper Horning Road and Mohawk Road, and single family residential uses to the south. The south side of Mohawk Road in this area is developed for townhouses. Olympic Park is located on the north side of Mohawk Road, west of Lavina Crescent, and there is existing multiple residential development to the east of the park.

From a planning perspective, Ancaster O.P.A. #39 represents an appropriate framework for development of this area adjacent to the future intersection of a major arterial road (Red Hill Creek Expressway). Further, the Amendment recognizes an opportunity to provide "affordable" housing in the Town consistent with Provincial policy by providing for higher density development. From a land use perspective, the proposed uses are consistent with the City existing development and planning policies for this area of the City.

A traffic analysis undertaken in the preparation of the Secondary Plan states that "there will be no negative impact on the traffic flows on the perimeter streets by the development of the Scenic Woods South Neighbourhood" (see Appendix 3).

SUMMARY AND CONCLUSIONS:

Based on the foregoing analysis, it appears that Ancaster's proposed O.P.A. #39 represents a sound approach to planning for this area. In responding to the Town's request for comments, however, the City Clerk should be directed to advise the Town that Ancaster's O.P.A. #39 has no impact on the planning intentions of the City of Hamilton.



C.F.:ns
A:\REPORTS



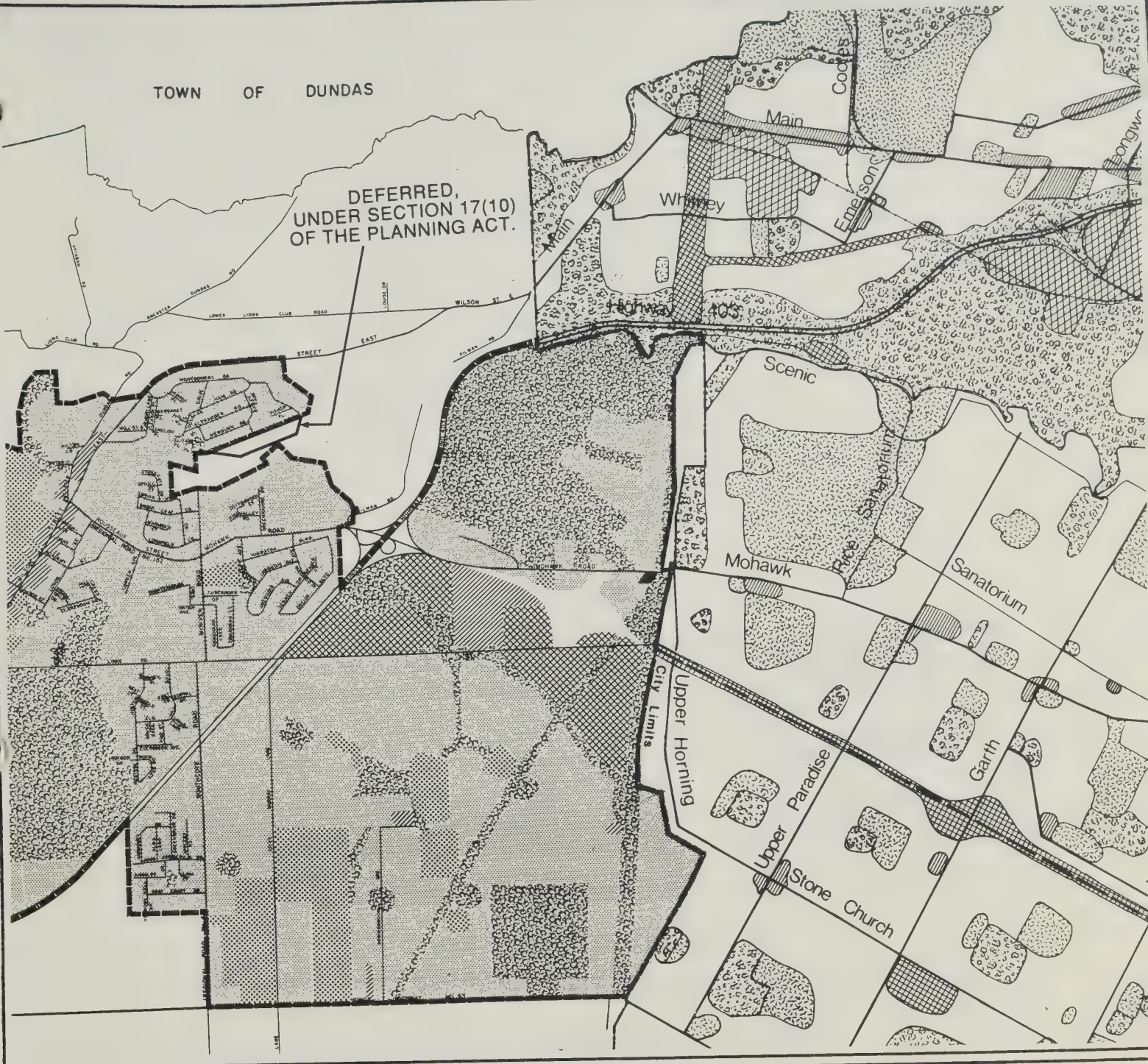
Excerpt from:
SCENIC WOODS SOUTH
SECONDARY PLAN

LEGEND

- 1. RESIDENTIAL / INSTITUTIONAL
 3 storey max. (10.5m)
 maximum density: 22 units/ha (family)
 50 units/ha (retirement residence)
- 2a. Permits clustered development
 3 storey maximum (10.5m)
 maximum density 22 units/ha
- 2b, 3. Permits clustered development
 3 storey maximum (10.5m)
 maximum density 36 units/ha
- 4. Permits stacked townhouses, low rise apartments
 3 storey max. (10.5m), max. density 50 units/ha
- 5. Permits clustered development
 3 storey max. (10.5m), max. density 36 units/ha
- 6. RESTRICTED COMMERCIAL permits restricted commercial to permit veterinarian.
 Noise and visual buffer

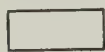
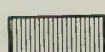

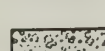
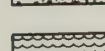
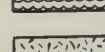
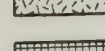
TOWN OF DUNDAS

DEFERRED,
UNDER SECTION 17(10)
OF THE PLANNING ACT.




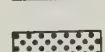
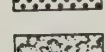
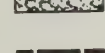
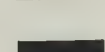


Legend

HAMILTON

-  residential
-  commercial
-  industrial
-  open space
-  open water
-  major institutional
-  utilities

ANCASTER

-  Residential
-  Commercial
-  Industrial
-  Institutional
-  Open Space and Conservation
-  Urban Area Boundary
-  Change from 'residential' to 'commercial'

Excerpts from Amendment No. 39 Town of Ancaster Official Plan and Schedule 'A' to Hamilton Official Plan


Map 1

AMENDMENT NO. 39

TO THE
OFFICIAL PLAN
FOR THE
TOWN OF ANCASTER

INITIATED BY
THE TOWN OF ANCASTER

DRAFT
for Review
Purposes Only

PREPARED BY
THE PLANNING DEPARTMENT
OF THE TOWN OF
ANCASTER

JANUARY, 1991

AMENDMENT NO. 39

TO THE

OFFICIAL PLAN

FOR THE

TOWN OF ANCASTER

CONTENTS OF THIS DOCUMENT

PART 1 - THE CERTIFICATION

- 1.0 Certification Page
- 2.0 Approval by the Regional Municipality of Hamilton-Wentworth
- 3.0 By-law of Adoption

PART 2 - THE AMENDMENT

- 1.0 Purpose
- 2.0 Location
- 3.0 Basis
- 4.0 Actual Change
- 5.0 Implementation

PART 3 - THE APPENDIX

- 1.0 Excerpt from the Report of the Committee of the Whole meeting of Council held _____, 1991.
- 2.0 Technical planning report PLN/91/ from the Town's Planning Department
- 3.0 Scenic Woods South Neighbourhood Secondary Plan
- 4.0 Notice of Public Meeting
- 5.0 Minutes of the Public Meeting

ANCASTER TOWN COUNCIL

1989 - 1991

MAYOR

Mr. R. Wade

REGIONAL COUNCILLOR

Mrs. A. Sloat

COUNCILLORS

Mr. K. Brennan

Mr. L. Ferguson

Mr. J. McKeon

Mr. W. Ziolkowski

Mr. R. Zsiros

PART 1 - THE CERTIFICATION

AMENDMENT NO. 39
TO THE OFFICIAL PLAN
FOR THE
TOWN OF ANCASTER

1.0 ADOPTION BY THE TOWN OF ANCASTER

Amendment No. 39 to the Official Plan for the Town of Ancaster comprising of the attached text, and schedules, was prepared as directed by the Council of the Town of Ancaster, and adopted by the Council of the Corporation of the Town of Ancaster by By-law No. _____ in accordance with Sections 17 and 21 of The Planning Act on the _____ day of _____ 1991.

MAYOR

CLERK

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

2.0 APPROVAL BY THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

This Amendment No. 39 to the Official Plan for the Town of Ancaster, which has been adopted by the Council of the Corporation of the Town of Ancaster, is hereby approved in accordance with Sections 17 and 21 of The Planning Act as Amendment No. _____ to the Official Plan for the Town of Ancaster.

DATE _____

Regional Chairman

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 91-

The Council of the Corporation of the Town of Ancaster, in accordance with the provisions of Sections 17 and 21 of The Planning Act, hereby enacts as follows:

- 1) That Amendment No. 39 to the Official Plan for the Town of Ancaster, consisting of the attached text and schedules is hereby adopted.
- 2) That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of Amendment No. 39 of the Official Plan for the Town of Ancaster.
- 3) That this by-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this day of 1991.

Signed _____ Signed _____
CLERK MAYOR

CORPORATE
SEAL OF
MUNICIPALITY

Certified that the above is a true copy of By-law No. 91- as
enacted and passed by the Council of the Town of Ancaster on the
day of 1991.

Signed _____
CLERK OF THE MUNICIPALITY

PART 2 - THE AMENDMENT

1.0 PURPOSE

The purpose of this Amendment is to set forth additional policies governing growth and development in Specific Policy Area 3-g and to add an inset to Schedule "F" of the Official Plan showing the different subareas of Specific Policy Area 3-g, in order to implement the secondary plan for the area.

2.0 LOCATION

- 2.1 The lands being affected by the additional policies are referred to as Specific Policy Area 3-g on Schedule "F" of the Official Plan and are bounded by Mohawk Road to the north, the Red Hill Creek Expressway to the south and west, and the Ontario Hydro Corridor to the east. The subject area is also referred to as the Scenic Woods South Neighbourhood and is situated in parts of Lots 51, 52 and 53, Concession 2, in the Town of Ancaster.
- 2.2 The property affected by the redesignation (from "Residential" to "Commercial") is located on the south side of Mohawk Road in part of Lot 53, Concession 2, in the Town of Ancaster. The property is known municipally as 1288 Mohawk Road and is referred to as 3-g (vii) on Schedule "A" to this amendment.

3.0 BASIS

- 3.1 This Amendment is the result of Council's adoption of a new secondary plan for Specific Policy Area 3-g (Scenic Woods South Neighbourhood) of the Mohawk and Meadowlands Communities. The development of Specific Policy Area 3-g is considered a favourable opportunity for fulfilling emerging policy objectives, namely the provision of "innovative" and "affordable" housing forms.
- 3.2 The Amendment deletes Clause 5.6.16 in its entirety and replaces it with specific policies which implement the secondary plan for Specific Policy Area 3-g. An inset of Specific Policy Area 3-g is added to Schedule "F" of the Official Plan to show the different subareas of Specific Policy Area 3-g.
- 3.3 The Amendment also redesignates one property in Specific Policy Area 3-g, from "Residential" to "Commercial", in order to permit certain commercial uses where an animal hospital is presently located.

4.0 ACTUAL CHANGE

4.1 Text Changes

Subsection 5.6.16 is deleted in its entirety and replaced with the following:

"5.6.16 The area identified as Specific Policy Area 3-g on Schedule "F" shall be used for the most part for residential purposes subject to the policies in this subsection, which implement the Secondary Plan prepared for the area.

A diversity of housing forms at different levels of affordability shall be encouraged. It is intended that multiples, in the form of apartments, townhouses and innovative plexes shall predominate.

i Specific Policy Area 3-g (Scenic Woods South Neighbourhood) in the Mohawk and Meadowlands Communities is divided into 7 subareas as shown on Schedule "F". The development parameters of each subarea are as follows:

- a) 3-g (i) comprises approximately 1.7 hectares and shall be used for residential and institutional purposes. The Residential portion comprises approximately 0.9 hectare. The institutional portion comprises approximately 0.8 hectare and is now occupied by a church and accessory structures.

The allowable density varies depending on the type of Residential development. A maximum of 50 suites per hectare is permitted in the case of retirement residences. A maximum of density of 22 units per hectare is permitted in the case of residential development other than retirement residences.

Any surplus land resulting from the redesign and/or closure of Mohawk Road shall be used for residential purposes in accordance with the development parameters of 3-g (i).

- b) 3-g (ii) comprises approximately 0.7 hectare and shall be used for residential purposes only. A maximum density of 22 units per hectare is permitted.
- c) 3-g (iii) comprises approximately 1.9 hectares and shall be used for residential purposes only. A maximum density of 36 units per hectare is permitted.

DRAFT
for Review
Purposes Only

- d) 3-g (iv) comprises approximately 1.7 hectares and shall be used for residential purposes only. A maximum density of 36 units per hectare is permitted.
 - e) 3-g (v) comprises approximately 1.5 hectares and shall be used for residential purposes only. A maximum density of 50 units per hectare is permitted.
 - f) 3-g (vi) comprises approximately 1.0 hectare and shall be used for residential purposes only. A maximum density of 36 units per hectare is permitted.
 - g) 3-g (vii) comprises approximately .1 hectare and shall be used for service-oriented commercial purposes. Retail uses are strictly prohibited.
- ii Landscaping, screening and building design shall include features to lessen the visual impacts of the multiple housing units on the properties on Old Mohawk Road and on the north side of Mohawk Road.
 - iii Landscaping, screening and building design shall include features to buffer the visual and noise impacts of the Red Hill Creek Expressway on the properties in Specific Policy Area 3-g.
 - iv The design and location of the access points onto Mohawk Road shall conform to the policies in the Secondary Plan and shall be subject to the approval of the Town of Ancaster and the Regional Municipality of Hamilton-Wentworth. Subarea 3-g (v) shall have only one access onto Mohawk Road, in alignment with the intersection of Mohawk Road and Old Mohawk Road.
 - v Development shall be sensitive to the existing topography which consists of undulating terrain and considerable tree cover. In this regard, regrading and tree removal shall be minimized."

4.2 Schedule Changes

- 4.2.1 Schedule "F" - Specific Policy Areas is hereby amended by adding an inset showing subareas 3-g (i) to 3-g (vii) inclusive as shown on Schedule "A" to this Amendment.
- 4.2.2 Schedule "B" - Land Use - Urban Area is hereby amended by changing the land use designation from "Residential" to "Commercial" of subarea 3-g (vii) as shown on Schedule "B" of this Amendment.

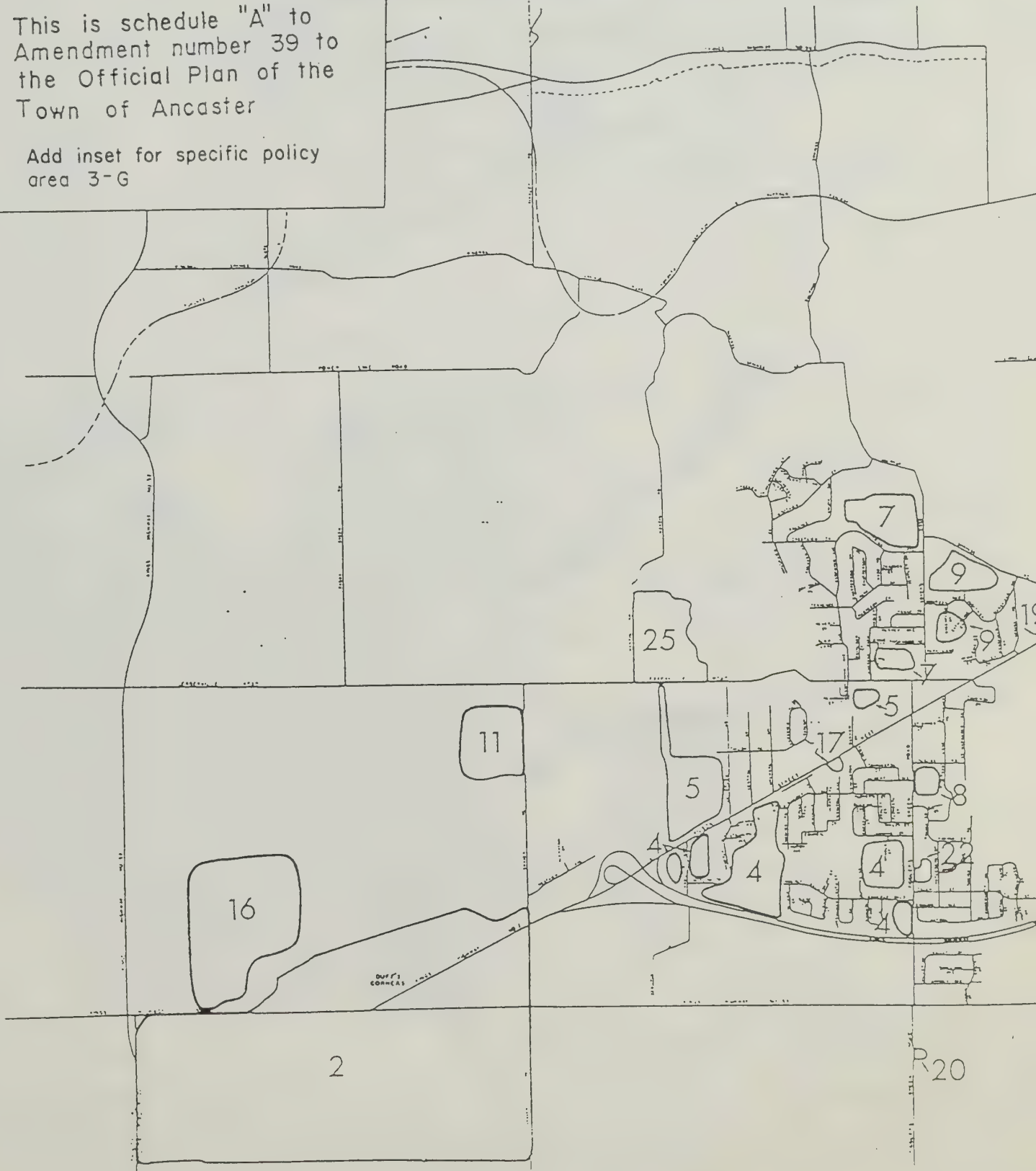
DRAFT

for Review
Purposes Only

This is schedule "A" to
Amendment number 39 to
the Official Plan of the
Town of Ancaster

Add inset for specific policy
area 3-G

TOWN



SPECIFIC POLICY AREA 3-G

Mohawk Road

Red
Hill Creek
Expressway

3-G(i)

3-G(ii)

3-G
(iv)

3-G(iii)

3-G
(v)

3-G
(vi)

3-G
(vii)

Legend

Specific Policy Areas:

Area 1 - refer to subsection 5.4

Area 2 - refer to subsection 5.5

Area 3 - refer to subsection 5.6

3-a	3-a refer to Policy 5.6.2
3-b	3-b refer to Policy 5.6.2
3-c	3-c refer to Policy 5.6.11
3-d	3-d refer to Policy 5.6.12
3-e	3-e refer to Policy 5.6.14
3-f	3-f refer to Policy 5.6.15
3-g	3-g refer to Policy 5.6.16
3-h	3-h refer to Policy 5.6.17
3-i	3-i refer to Policy 5.6.19
3-j	3-j refer to Policy 5.6.20

Area 4 - refer to Policy 5.7.1

Area 5 - refer to Policy 5.7.2

Area 6 - refer to Policy 5.7.3

Area 7 - refer to Policy 5.7.4

Area 8 - refer to Policy 5.7.5

Area 9 - refer to Policy 5.7.6

Area 10 - refer to Policy 5.7.7

Area 11 - refer to Policy 5.7.8

Area 12 - refer to Policy 5.7.9

Area 13 - refer to Policy 5.7.10

Area 16 - refer to Policy 5.7.13

Area 17 - refer to Policy 5.7.14

Area 19 - refer to Policy 5.7.16

Area 20 - refer to Policy 5.7.17

Area 22 - refer to Policy 5.7.19

Area 24 - refer to Policy 5.7.21

Area 25 - refer to Policy 5.7.22

Policy Area boundaries

Neighbourhood Area Boundaries

HAMILTON

OF

CITY

SPECIFIC POLICY AREAS

SCHEDULE 'F'

TO THE OFFICIAL PLAN
FOR
THE TOWN OF ANCASTER

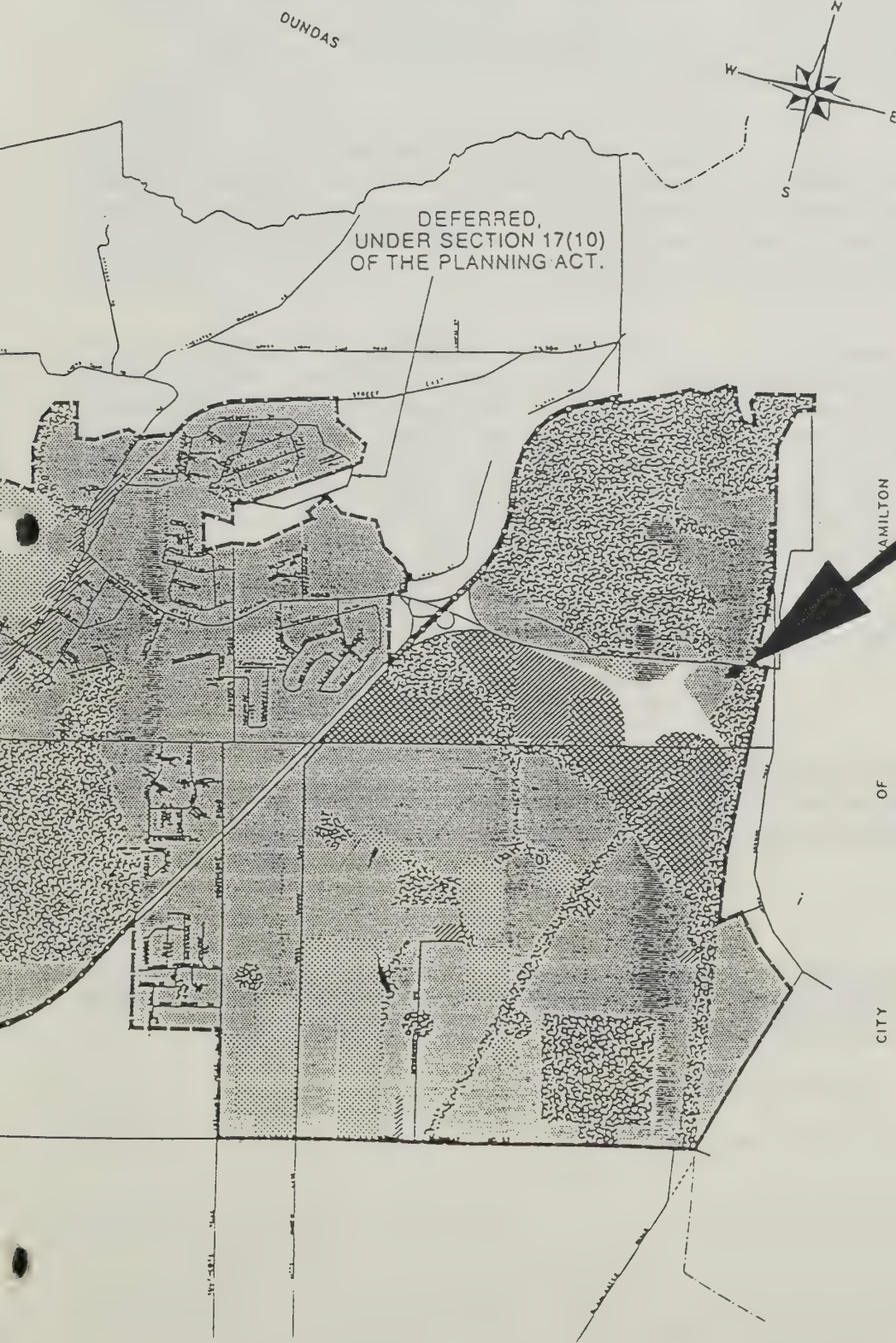
SCALE 1:1000

DATE 11/10/01







DRAFT
for Review
Purposes Only

Schedule "B" to Amendment
number 39 of the Official
Plan of the Town of
Ancaster

Change from residential to
commercial ■



Legend

-  Residential
-  Commercial
-  Industrial
-  Institutional
-  Open Space and Conservation
-  Urban Area Boundary

LAND USE - URBAN AREA

SCHEDULE 'B'

TO THE OFFICIAL PLAN
FOR
THE TOWN OF ANCASTER

SCALE 1:10000

DATE: 08/01
REVISED: 08/01

- 2) Improve the flow characteristics of the watercourse north of Mohawk Road and carry it to a suitable outlet.

Option 2 is the preferred engineering solution, but requires the permission of Mr. Grohmann for works to be carried out on his lands.

The major flows in this section of the site would be conveyed to the open watercourse north of Mohawk Road by a combination of overland flow routes and storm sewer system.

c) Drainage Area C:

This drainage area includes a portion of the neighbourhood on both sides of the Mohawk Road /Golf Links Road interconnection, south of the existing Mohawk Road and up to the Ontario Hydro corridor. The existing watercourse drains across Mohawk Road presently in a 1200mm culvert (which shall be extended with the Freeway construction) into the Iroquois Conservation Area where it merges with the watercourse of Drainage Area B.

The drainage area comprises of a total of 16.7 ha. of which the site is 3.7 ha. Since the outlet is considerably lower than the road elevation, and the site east of the interconnection road will be lower than the roadway, it is recommended that the grading of the roadside ditches and the green space requirements for the development on the south side of Mohawk Road, near the culvert, take into account the head requirements for the culvert to convey the major storm flows. The culvert and the pavement on Mohawk Road provide a natural restriction (dam) to the system and no further stormwater management controls are required.

During the detailed design of the street network, special consideration will have to be given to maintaining the continuity of major storm flow routes.

IV) Utilities

No requirements for specific utility corridors have been raised by the utility companies. The major components of the distribution networks of Hydro, Gas, Cable TV and Bell can be accommodated within the Scenic Woods South Community.

V) Roads and Traffic

Mohawk Road is designated as a Regional Road. According to Regional Staff, the following 24 hour traffic counts have been gathered for the portion of Mohawk Road between Upper Horning and the 403.

East bound - 13,016 vehicles

West bound - 11,760 vehicles

Given the approved changes that are proposed in the Study Area with respect to the road pattern, existing traffic patterns will ultimately change.

Since the existing section of Mohawk Road west of the Mohawk Road/Golf Links Road/403 interconnection will terminate in a cul-de-sac at the westerly end, it will no longer carry through traffic. Therefore, the traffic along this portion of Mohawk Road will only represent local traffic arising from the Scenic Woods West and this section of the Scenic Woods South Communities.

There will be no negative impact on the traffic flows on the perimeter streets by the development of the Scenic Woods South Neighbourhood.

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: February 19, 1991
DA-90-92 (DA-89-02)
Rymal Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

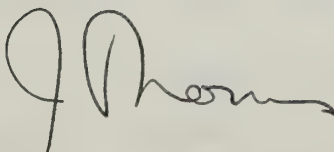
SUBJECT:

Site Plan Control Application DA-90-92 to amend DA-89-02 for a pylon sign at 55 Lancing Drive.

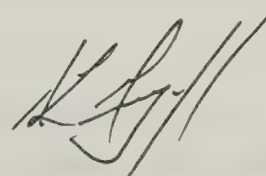
RECOMMENDATION:

That Site Plan Control Application DA-90-92 to amend DA-89-02 by ABD Technology Inc., owners of land known as 55 Lancing Drive, for a pylon sign **be denied** for the following reasons:

- i) the proposed 3.0 m minimum setback is contrary to the 5.4 m minimum setback required for pylon signs within the M-14 zoning district along Lancing Drive;
- ii) approval of the proposed setback would set an undesirable precedent for future applications requesting reduced setbacks for pylon sign along Lancing Drive and with the industrial area; and furthermore,
- iii) mall and tenant identification could be accommodated by placing wall sign(s), which conform to the zoning by-law, along the front facade of the building.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend 89-02 for a tenant identification pylon sign at 55 Lancing Drive. The sign is proposed within the required 6.0 m minimum landscape area, approximately 3.0 m from the front lot line, along Lancing Drive.

The proposed pylon sign for the subject property was not accommodated on the original approved plans of Site Plan Control Application DA-89-02.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the location of the pylon sign, as shown does not affect the original approved grading plan. However, for your information, the requirements of the approved grading plan have not been completed on site, specifically the retaining wall shown along the south property line.

The Building Department has advised that the location of the pylon sign does not provide the required 5.4 m minimum setback from the street line. Furthermore, their Department has issued on "Order to Comply" for construction of a pylon sign without a permit.

The Traffic Department has reviewed the plan and has found it to be satisfactory.

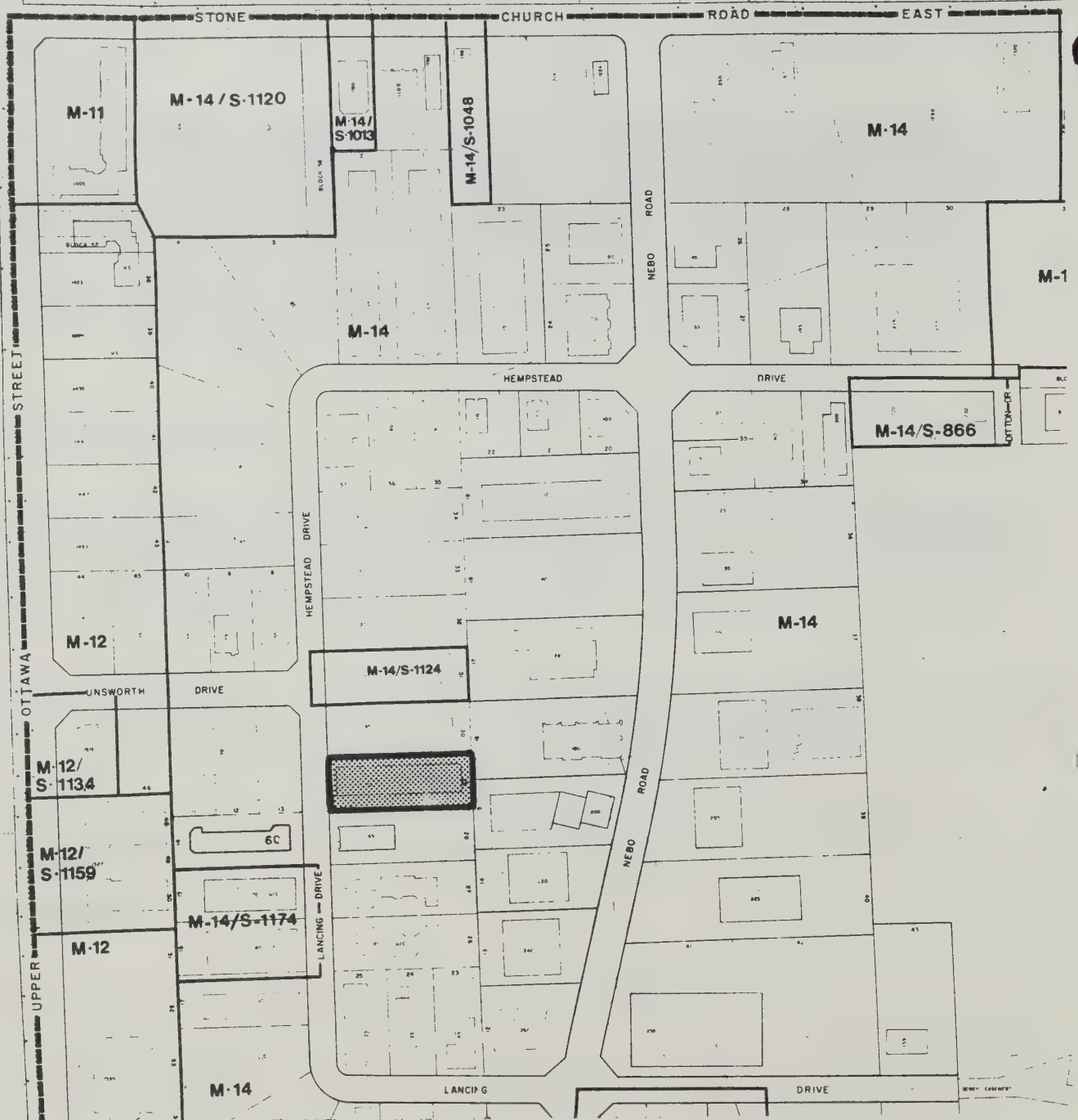
COMMENTS

This application cannot be supported for the following reasons:

1. The proposed setback of 3.0 m is contrary to the minimum 5.4 m setback required for pylon signs within the M-14 zoning district along Lancing Drive;
2. Approval of the proposed setback would set an undesirable precedent for future applications requesting reduced setbacks for pylon signs along Lancing Drive; and furthermore,
3. Given that the building is presently constructed at a 6.0 m minimum setback from the front property line and spans the entire width of the property except for the required side yard setback, the access driveway and parking, it would seem evident that a pylon sign could not be accommodated without infringing upon the required 6.0 m minimum landscape strip along Lancing Drive. However, given this situation it would seem appropriate to provide wall signs for mall and tenant identification since the building is as close to the street as a pylon sign would be permitted.

Therefore it is recommended that this application for a pylon sign **be denied** and the applicant erect wall signs for the proposes of mall and tenant identification that conform to the zoning by-law. Thus, a formal amendment to the Development Agreement would not be necessary and the applicant could proceed to the Building Department for the necessary approvals and permits.

JL/ma



RYMAL No.120

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-90-92

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
OCTOBER, 1990

Reference File No.
DA-90-92

Drawn By
T.A.

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 26
ZA-90-93,
Lisgar Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

SUBJECT: Request for a change in zoning - lands on the south
side of Landron Avenue between Upper Kenilworth
Avenue and Lockheed Drive.

RECOMMENDATION:

1. That approval be given to Zoning Application 90-93, S. Wise Construction Ltd., owner, requesting changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "1") and from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified (Blocks "2" and "3") to "R-4" (Small Lot Single-Family Detached) District, for lands located on the south side of Landron Avenue between Upper Kenilworth Avenue and Lockheed Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
 - ii) That Blocks "2" and "3" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,
 - iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That By-law No. 76-79 and By-law No. 89-106 be repealed in their entirety.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "1") and from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified (Blocks "2" and "3") to "R-4" (Small Lot Single-Family Detached) District, for lands located on the south side of Landron Avenue between Upper Kenilworth Avenue and Lockheed Drive, as shown on the attached key map.

The effect of the By-law is to permit development of the subject lands for small lot single-family dwellings.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking to rezone the subject lands in order to permit development of small lot single-family detached homes whereas currently semi-detached homes are permitted.

- Registered Plan 62M-506

This plan of subdivision was registered on May 11, 1988 and creates the lots for the subject land, as shown on APPENDIX "B".

- Zoning Application 87-92

At its meeting of February 15, 1989, the Planning and Development Committee approved this application to rezone the lands described as Block "1" from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District. City Council, at its meeting of February 28, 1989 adopted the recommendation of the Planning and Development Committee.

By-law No. 89-106, which implements the foregoing change in zoning, came into effect on May 2, 1989.

- By-law 76-79

This By-law rezoned the subject lands in two blocks. The lands referred to as Block "2" on APPENDIX "A" were rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District. The lands referred to as Block "3" on APPENDIX "A" were rezoned from "C" (Urban Protected Residential, etc.) to District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to permit semi-detached dwellings. This By-law came into effect on March 30, 1976.

- By-law 77-272

This By-law rezoned a parcel of land on the south side of Landron Avenue. With reference to the current application, the lands described as Block "2" on APPENDIX "A" were rezoned from "RT-20" (Townhouse - Maisonette) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to permit single-family homes and two-family homes. This By-law came into effect on November 8, 1977.

APPLICANT:

S. Wise Construction Ltd., owner.

LOT SIZE AND AREA:

The subject lands have:

- 43.586 m (143 feet) of lot frontage on Upper Kenilworth Avenue;
- 86.142 m (282.6 feet) of lot frontage on Landron Avenue; and,
- 3,754.6 m² (40,415.35 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings,

Townhouses, etc.) District modified

Surrounding Lands

to the north	10 storey apartment building	"E-2" (Multiple Dwellings) District modified
to the south	single-family homes and vacant	"C" (Urban Protected Residential, etc.) District
to the west	single-family homes	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified
to the east	public open space and park	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policy should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

As the proposal adjoins single-family homes and future single-family homes to the south and west, it does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Lisgar Neighbourhood Plan and do not conflict with the intent of the plan.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Building Department.

- The Traffic Department has advised that:

"We do not support having small lots, i.e. 30 feet, fronting onto an arterial roadway such as Upper Kenilworth Avenue."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. Any works within the adjacent road allowances must conform to the respective Streets/Roads Use By-Laws. The City Traffic Department should be commenting on access design."

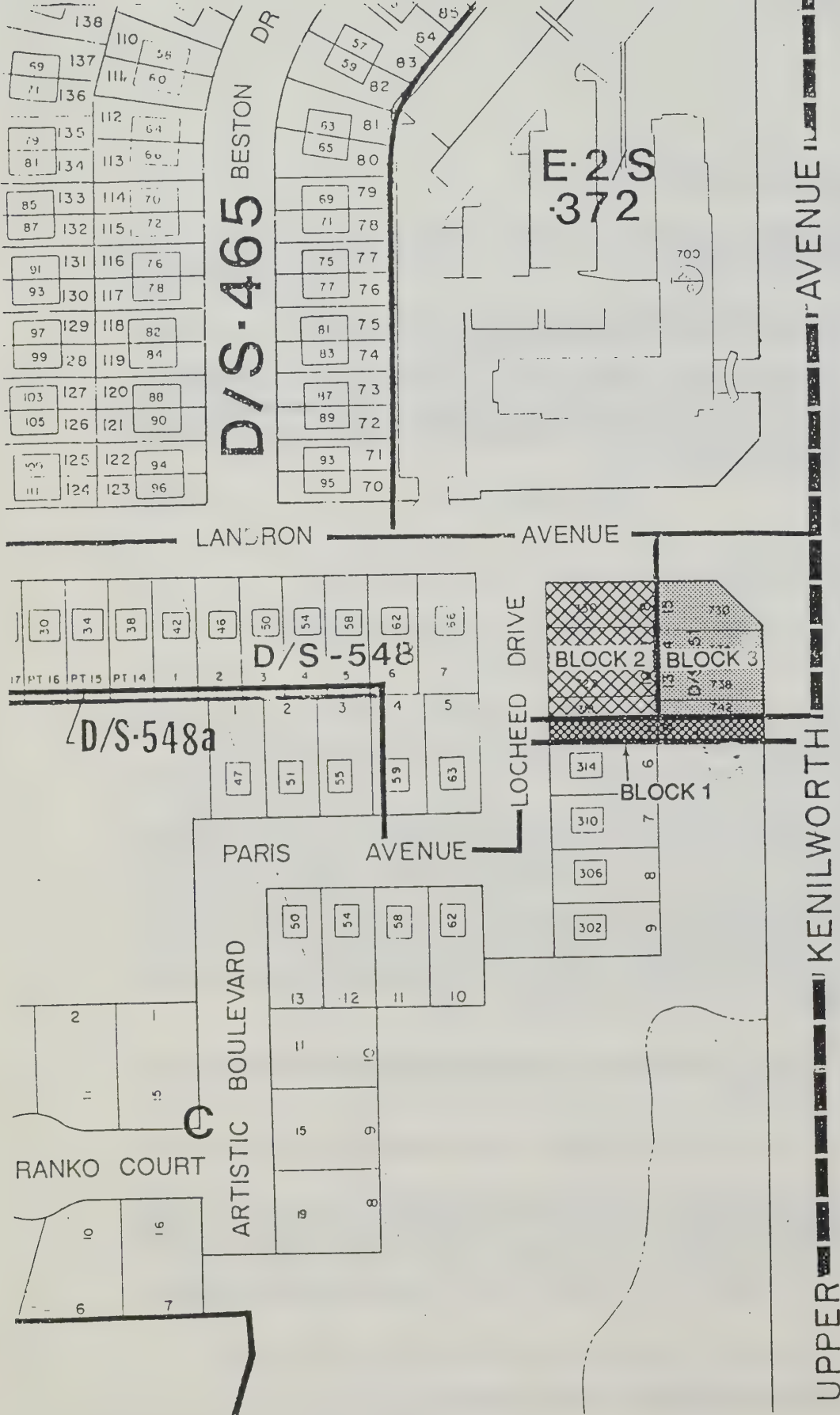
COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Lisgar Neighbourhood Plan.
3. The Traffic Department does not support the principle of "R-4" zoning along arterial roads due to the increased number of access driveways and associated traffic implications. Furthermore, they are concerned that approval of the application could set a precedent for future similar applications. However, in this instance, the current zoning for the subject lands would permit development of semi-detached dwellings with the same number of access driveways as the proposed "R-4" zoning. With regard to precedent, it is noted that any proposals for rezoning for small lot single-family detached dwellings, for the vacant land to the south (fronting onto Upper Kenilworth Avenue) would be evaluated on their own merit, with input from commenting Departments (e.g. Traffic). Therefore, the proposal can be supported on the following basis:
 - i) it is compatible with the existing and future proposed development in the area; and,
 - ii) it implements the intent of the Lisgar Neighbourhood Plan.
4. In rezoning the subject lands, the implementing By-law will render By-law No. 76-79 and By-law No. 89-106 to have no effect. For administrative reasons, these By-laws should be repealed. However, as By-law No. 77-272 is still in effect for lands which are not the subject of the current application, it should not be repealed.

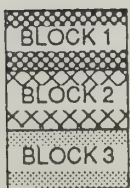
CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma



Legend



Site of the Application



APPENDIX A

□ OR ■ DENOTES AN IRON BAR

BEARINGS SHOWN ON THIS PLAN ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF UPPER MENDILWORTH AVENUE AS SHOWN ON PLAN 62R-6447 HAVING A BEARING OF N17°53'30"E

THE 25TH DAY OF JANUARY 1957

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 February 22
ZA-90-90
Riverdale East Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

SUBJECT: Request for a modification in zoning - No. 298 Grays
Road

RECOMMENDATION:

1. That approval be given to Zoning Application 90-90, Ivan Zupancic, owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit conversion of the second floor of the existing commercial building to nine apartments, for property located at No. 298 Grays Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 14A(1) of By-law No. 6593, a multiple dwelling having not more than 9 dwelling units shall be permitted solely within the existing building provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of By-law No. 6593;
 - b) That notwithstanding Section 15B(3)(b), a bait and tackle shop shall be permitted;
 - c) That notwithstanding Section 14A of By-law No. 6593, any of the permitted commercial uses shall be located within the first storey only;

- d) That notwithstanding Section 14A of By-law No. 6593, a landscaped area of not less than 6.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire rear lot line;
 - e) That notwithstanding Section 18A(20)(b), a minimum of one 3.7 m x 18.0 m loading space shall be provided and maintained;
 - f) That all residential uses shall be located completely and functionally separate from any commercial use and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-123 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - v) That the Riverdale East Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "COMMERCIAL AND APARTMENTS".
2. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of an amended site plan incorporating the increased landscaping requirements along the entire rear lot line.

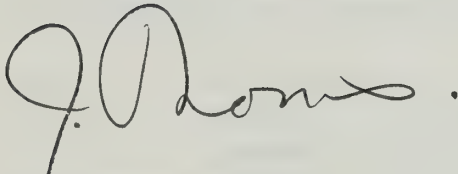
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations for property located at No. 298 Grays Road, as shown on the attached key map.

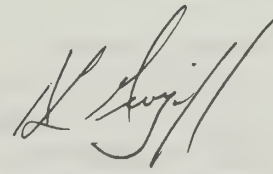
The effect of the By-law is to permit the conversion of the second floor of the existing commercial building to nine apartments. In addition, the By-law provides for the following variances as special provisions:

- a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height plus a landscaped area of not less than 6.0 m in width shall be provided and maintained along the entire rear lot line;
- one large loading space is to be provided and maintained whereas two small

- loading spaces are required;
- to permit the existing bait and tackle shop;
 - that only commercial uses permitted in the "CR" (Commercial-Residential) District shall be permitted;
 - that the commercial uses shall be located on the first floor of the building only; and,
 - access to the residential units is to be completely separate from the commercial uses.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands are currently used as a two-storey commercial building. The owner wishes to convert the second floor of the existing building to nine apartments. Each apartment will have a minimum floor area of 700 square feet and adequate parking will be provided.

The applicant has advised that the following commercial uses are located on the first floor of the building: a bait and tackle shop, a meat store, a tanning studio, and a hair salon.

- Development Agreement 86-16

This agreement was approved on March 26, 1986 for a two-storey commercial building on the subject lands. The building has 1,318 m² of gross floor area. Twenty-five parking spaces and one large loading space are also provided (see APPENDIX "B").

- Zoning Application 88-101 - Nos. 282, 284 and 288 Grays Road

At its meeting of February 1, 1989, the Planning and Development Committee

approved this rezoning application for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit a 16 unit multiple dwelling in a mixed commercial-residential building. City Council, at its meeting of February 14, 1989, adopted the recommendation of the Planning and Development Committee.

By-law No. 89-86, which implements the foregoing modification in zoning, came into effect on June 6, 1989.

APPLICANT:

Ivan Zupancic, owner.

LOT SIZE AND AREA:

The subject property has:

- 45.72 m (150 feet) of frontage on Grays Road;
- 42.67 m (140 feet) of lot depth; and,
- 1,950.9 m² (21,000 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two-storey commercial building	"HH" (Restricted Community Shopping and Commercial) District
<u>Surrounding Lands</u>		
to the north and south	mixed commercial-residential buildings	"HH" (Restricted Community Shopping and Commercial) District and "HH" (Restricted Community Shopping and Commercial) District modified

to the west	five-storey apartment building	"DE-2" (Multiple Dwellings) District modified
to the east	link homes	City of Stoney Creek

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies, among others, are applicable:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; and,
 - c) satisfy the provision of Subsections A.2.1 and C.7.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
 - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere

with the function of the primary permitted uses, and subject to the General Provisions of this Subsection."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Riverdale East Neighbourhood Plan. The proposal does not comply with the intent of the Neighbourhood Plan and a redesignation to "COMMERCIAL AND APARTMENTS" is required.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Hamilton-Wentworth Regional Police.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

Any works within the Grays Road road allowance must conform to the Region's Road Use By-law.

The City Traffic Department should be commenting on access design."

- The City of Stoney Creek Planning Department has advised that:

"The subject property is located adjacent to the municipal boundary of the City of Stoney Creek. The abutting lands within the City of Stoney Creek are developed for semi-detached link homes and designated Residential-Low Density in the City's Official Plan. It is a recommendation of Staff that specific site plan measures be implemented to minimize any potential negative effect of the proposed development on the existing low density residential uses in the City of Stoney Creek. We note that a site plan was attached to the notice of rezoning. The site plan shows a 1.5 metre landscaped strip and 4.5 metre strip of crushed stone to the rear of the building. It is recommended that the entire rear of the property consist of landscaped area. It is further recommended that a 1.8 metre privacy fence be constructed along the rear property line together with deciduous tree plantings to buffer the abutting low density residential area.

Subject to the consideration of the above-noted recommendations, the City of Stoney Creek Planning Staff would have no objection to the proposed Zoning By-law amendment."

- The Building Department has advised that:

"The use of nine (9) dwelling units is not permitted in the HH zone."

- The Traffic Department has advised that:

"Please be advised that we have reviewed the above-noted application and have no objection to the modification in zoning."

However it is our understanding that the commercial use and the residential use each require one 3.7 m x 9.0 m loading space. The site plan is showing only one 3.7 m x 18.0 m loading space. We would be prepared to support a variance to the By-law for the reduction in number of supplied loading spaces."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Riverdale East Neighbourhood Plan. A redesignation from "COMMERCIAL" to "COMMERCIAL AND APARTMENTS" is required.
3. The proposal has merit and can be supported for the following reasons:
 - i) it would be compatible with existing development in the surrounding area;
 - ii) it would provide increased rental accommodation in this area of the City of Hamilton; and,
 - iii) the mixed use building is appropriately located on a major road (Grays Road).
4. The following variances have been identified:
 - Residential and Commercial Uses (Section 14A(1))

The "HH" (Restricted Community Shopping and Commercial) District regulations do not permit the mixed use. As the proposal is a comprehensive mixed use development, a variance to permit the multiple dwelling can be supported.

With respect to the commercial component of the development, the "HH" District is intended to permit highway commercial type uses. The range of these uses are not compatible with a residential development within the same building (for example, an automobile service station, a tavern, a funeral home). It would be appropriate, therefore, to restrict the range of uses to

those compatible with the residential component of the development, as provided in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of the Zoning By-law.

The Building Department has advised that the existing uses would comply with the "CR" District regulations, with the exception of the bait and tackle shop. A variance to legally establish the bait and tackle shop can be supported as it is already in existence in the building.

- Loading Spaces (Section 18A(20)(b))

The Building Department has advised that two small loading spaces are required whereas one large loading space is provided under the previously approved development agreement. As the Traffic Department will support a variance to reduce the loading space requirement from two to one, this variance can be supported.

5. The previously approved development agreement stipulates that a 1.2 m to 2.0 m visual barrier will be provided along with a 1.5 m wide landscaped area along the entire rear lot line. However, as the second floor will be converted to residential use, an outdoor amenity area should be provided for the residential tenants. Accordingly, the following special requirements are recommended:

- Visual Barrier

A visual barrier of not less than 1.2 m and not more than 2.0 m shall be provided and maintained along the entire rear lot line.

- Landscaped Area

In keeping with the recommendation of the City of Stoney Creek Planning Staff, a landscaped area of not less than 6.0 m in width should be provided along the entire rear lot line to provide an outdoor amenity area for the residential tenants.

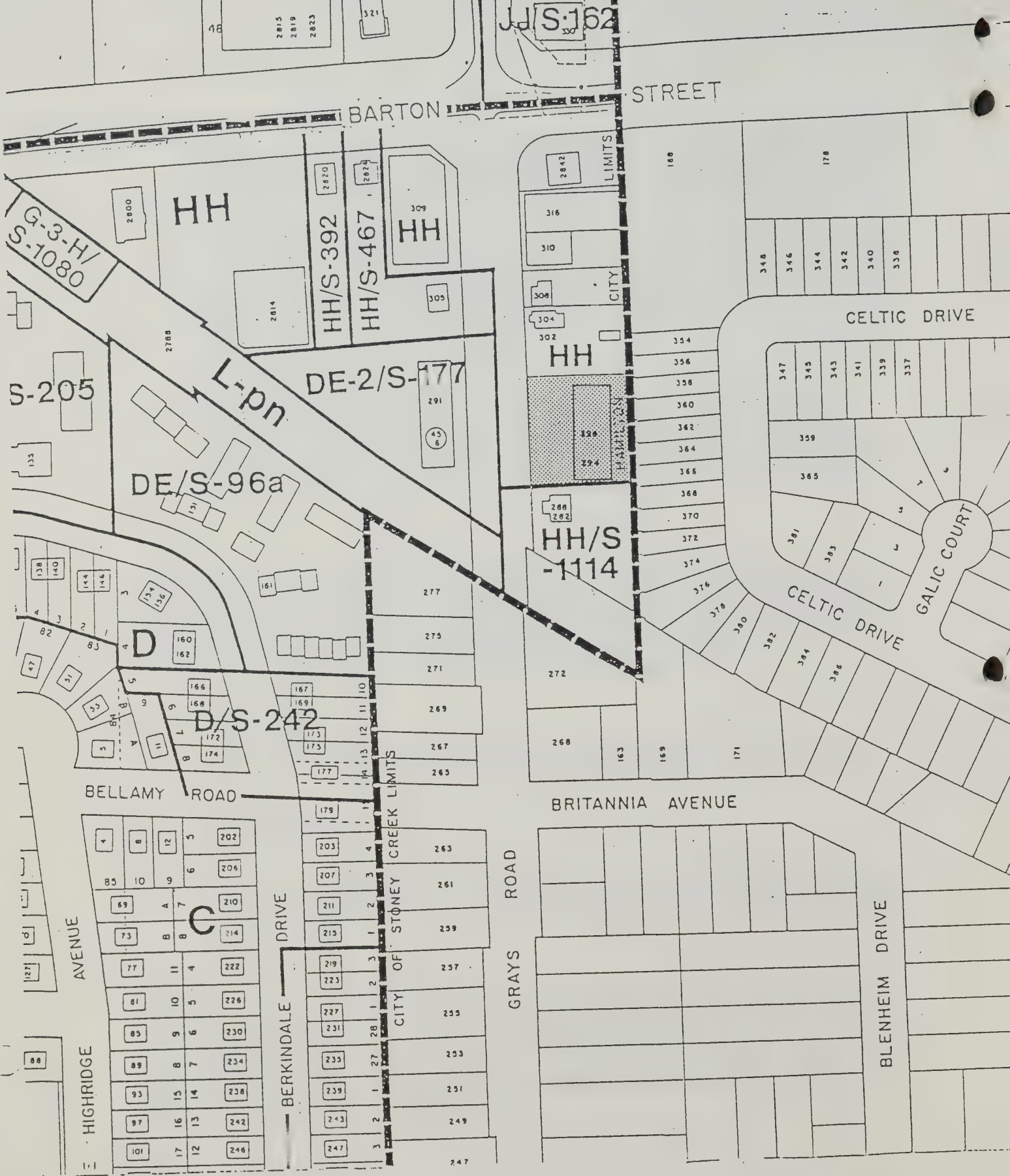
5. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In order to ensure that the increased landscaping requirements along the rear lot line are provided, the amending By-law should not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of an amended site plan for the landscaped area.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma

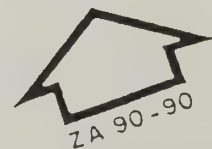
WPZA9090



LEGEND



SITE OF THE APPLICATION



[illegible]

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: February 26, 1991
ZA-90-91
Homeside Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in Zoning - No. 1605 Main Street East.

RECOMMENDATION:

That Zoning Application 90-91. J. Kozar, owner requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to increase the capacity of the existing residential care facility from 15 to 30 residents, for property located at No. 1605 Main Street East, as shown on the attached map marked as APPENDIX "A", be DENIED, for the following reasons:

- i) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal is a departure from this philosophy in that the existing capacity of the facility would be double what is permitted (30 vs 15) and exceeds the permitted capacity of the general "H" District provisions by 50% (30 vs 20).

- ii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent and philosophy of the by-law.



J.D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant wishes to build a second storey addition on the existing residential care facility (Montgomery Lodge) to accommodate a proposed increase in the permitted capacity from 15 to 30 residents. The following is a breakdown of the common areas and amenity spaces within the building:

- 1st floor (existing)
 - dining room 33.6 m² (362 ft.)
 - lounge 19 m² (205 sq. ft.)
- Second floor (proposed)
 - 2 games rooms each 10 m² (108 sq. ft.)
 - lounge 17.9 m² (193 sq. ft.)
 - lounge 21.9 m² (236 sq. ft.)

In addition, a 58 m² (625 sq.ft.) landscaped area adjacent to the parking lot will be

provided. Nine parking spaces will be provided at the rear of the building. (see APPENDIX "B")

The applicant wishes to increase the capacity to 30 because of numerous requests for additional space within this particular facility.

- Committee of Adjustment Application A:88-220

In September 1988, the applicant applied for and received approval to allow the establishment of a residential care facility for 15 residents within 146.3 m (480 ft.) of the facility located at No. 1646 Main Street East (see APPENDIX "A").

LOT SIZE AND AREA:

- 17.3 m (56.83 ft.) of lot frontage on Main Street East;
- 46.32 m (152 ft.) of lot depth; and,
- 801.34 m² (8,625. 8 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	15 resident residential care facility	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south, east and west	commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A". The following policies apply, among others:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - d) satisfy the provisions of Subsections A.2.1 and C.7.
- ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.

C.7.3 v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term care facilities through appropriate recognition in the Zoning By-law."

Based on the foregoing, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The proposal is designated "Commercial" in the approved Homeside Neighbourhood Plan. The proposal does not comply with the intent of the Plan and, therefore, a redesignation from "Commercial" to "Low Density Apartments" is required.

RESULTS OF CIRCULARIZATION:

- The following Department and Agency have no comments or objections:

- Hamilton-Wentworth Police Department; and,
- Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

"The parking layout proposed on the submitted plan is a poor design in that the three parking spaces against the east property line would have a difficult time turning around and it would be impossible to back around the corner of the building and out onto King Street. Therefore, if this application is approved, we recommend that these three spaces be eliminated and replaced with two spaces abutting the six spaces along the north property line.

This would leave the applicant two parking spaces short for the proposed thirty residents. We would be prepared to support this variance based on the limitation of the existing structure."

- The Building Department has advised that:

- "1. A residential care facility for thirty (30) residents is not permitted.
2. A residential care facility for thirty (30) residents requires ten (10) parking spaces.
3. The access driveway requires 5.5 m width.

4. The access driveway shall be at least 3.0 m from the residential district.
 5. A visual barrier is required to be provided along the lot lines adjacent to the residential districts."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service the subject lands.

Any works within the Main Street East road allowance must conform to the Region's Road Use By-law.

The City Traffic Department should be commenting on access design."
 - The Hamilton-Wentworth Social Services Department has advised that:

"This second-level lodging home for older persons has had a subsidy contract with our Department since it opened in 1990 and we have been very satisfied with the operation.

Josip and Donna Kozar are aware that their expansion to 30 beds may jeopardize their Regional contract because of our 24-bed use limit; nevertheless, they feel that the success of their home, to date, and their waiting list indicates a need to expand the business.

The current subsidy system reflects over 200 vacant beds, so more beds don't appear to be necessary.

The applicants' comments about parking are accurate; our experience with second-level lodging homes indicates that few residents have cars, and that visitors are not numerous."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.

- 2) The proposal does not comply with the intent of the approved Homeside Neighbourhood Plan. A redesignation from "Commercial" to "Low Density Apartments" is required.
- 3) For the information of the Committee, there have been 2 recent Zoning Applications (No. 19 Aikman Avenue and No. 862 Concession Street) which dealt with the expansion of existing residential care facilities. These applications are different from the subject application in that each of these 2 facilities were expanding within the existing building. The building on Concession Street was formerly a Nursing Home and has been in existence for a number of years. The building on Aikman Avenue was originally built as a 12 unit apartment building and was converted to a residential care facility. The FUNDAMENTAL difference between the present application and the 2 previous applications is that this facility will require a full second storey addition in order to accommodate the increased capacity.
- 4) The proposal cannot be supported, for the following reasons:
 - a) one of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal is a departure from this philosophy in that the existing capacity of the facility would be double what is permitted (30 vs 15) and exceeds the permitted capacity of the general "H" District provisions by 50% (30 vs 20); and,
 - b) approval of the application would encourage other similar applications, which, if approved would undermine the intent and philosophy of the by-law.

However, should the Committee wish to consider an increase in the capacity of the facility, then it would be appropriate it to limit the size to 24 residents for the following reasons:

- the applicant has indicated that this facility is funded through a Regional contract. The Region's Policy is to "...award subsidy contracts for Homes up to twenty-four (24) beds in service (Regional or Private)." Accordingly, operators are required to have a maximum of 24 beds. In January 1991, Regional Council reaffirmed its decision to retain the 24 bed limit. Since the facility receives

Regional funding, it would be appropriate to restrict the care facility to 24 residents which would be the same capacity as required under the Regional contract. For the information of the Committee, the applicant has indicated they will be operating within the 24 bed limit so they may continue to be subsidized by the Region. It is the applicant's desire to have approval for 30 residents, so that if and when the Region changes its policy by increasing the 24 bed limit, then he would not have to come back to change the zoning again;

- adequate on-site parking can be provided for 24 residents. The Zoning By-law requirement is 1 space for 3 residents (8 parking spaces for 24 residents).

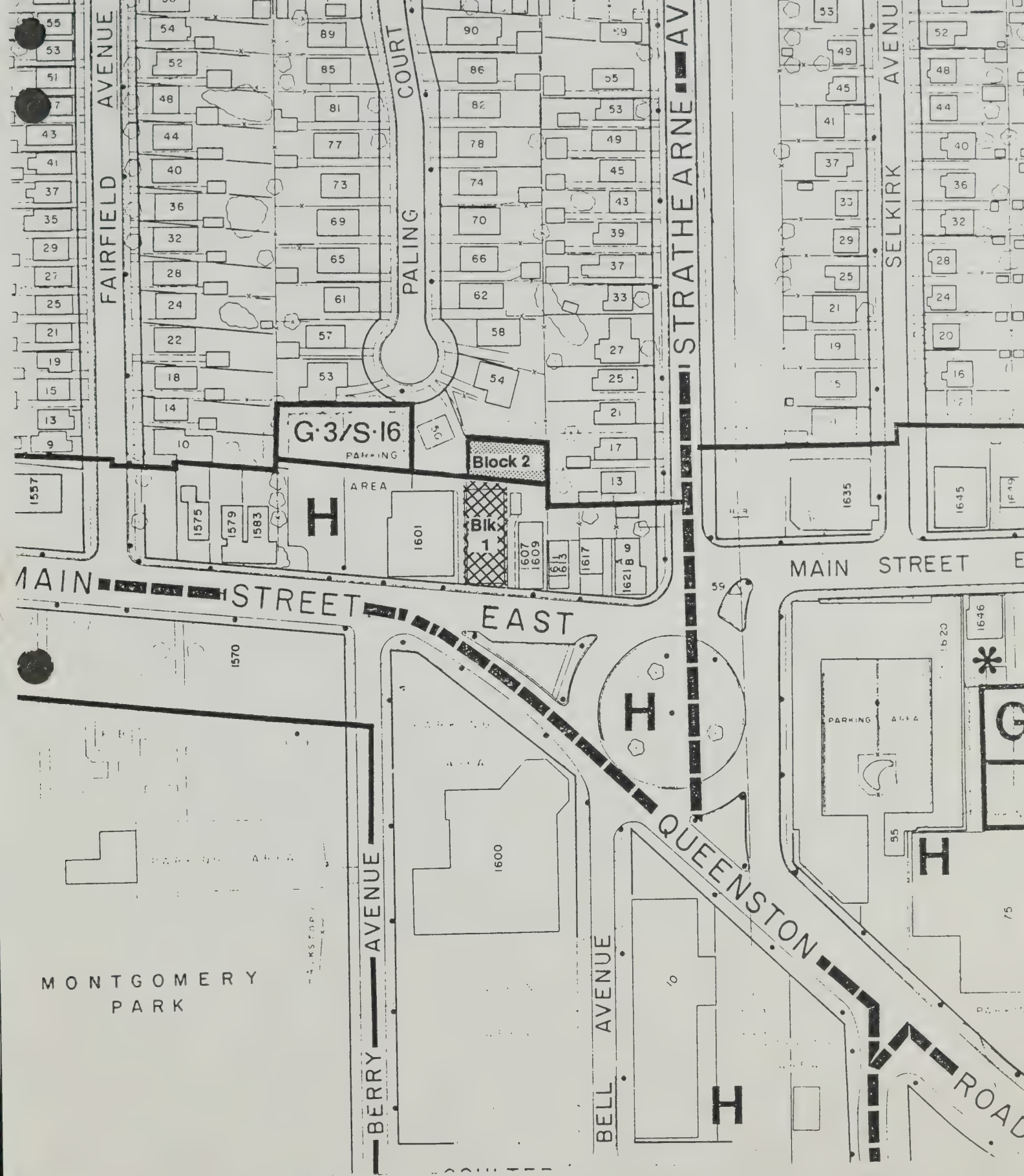
Furthermore, should the application be approved it is recommended that the By-law be held in abeyance pending the approval of a site plan for the parking lot so the concerns of the Traffic Department relating to the parking layout can be addressed.

CONCLUSION:

Based on the foregoing, the proposal to increase the capacity from 15 to 30 residents cannot be supported.

JHE/ma

WPZA9091



Legend



Site of the Application

* Site of other Residential Care Facility

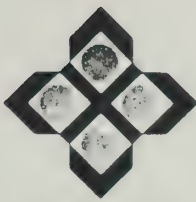


IN THE

NOW IN THE



APPENDIX B



Central Region
209 Gage Ave. N.
Hamilton, Ontario
L8L 7A6

8a

Liquor Control Board
of Ontario

Régie
des alcools
de l'Ontario

RECEIVED

FEB 27 1991

February 25, 1991

CITY CLERKS

The Corporation of the City of Hamilton
Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

FEB 27 1991

RE; PLANNING DEPT. FILE #ZA-90-91
1605 MAIN STREET EAST

Further to our notification of the proposed change to allow an increase in the capacity at this location, this letter will convey our concerns.

They are as follows:

1. Although the land shown as Block 2 is owned by the applicant and used for parking - are there enough spaces provided? Our concern is that our adjacent parking lot could be used by their visitors or staff and thus limit the parking for our own customers.
2. We are required to provide a 10'-0" planting strip along the boundaries of a Residential District. Will there be a similar requirement in this instance to ensure the residential atmosphere is maintained along their parking boundaries.

I trust this will be addressed at the Public Meeting on our behalf.

Thank you.

Fred Clarke

Mr. F. Clarke
Construction Co-ordinator
Central Region

CC: District Manager #21
Central Region File
FC/ks

LA-90-91

Mar. 6 P. 11

8b.

I have no objection to an additional storey being built or to increase the number of residents from 15 to 30, at 1605 Main Street East in the City of Hamilton, operating as MONTGOMERY LODGE.

NAME

ADDRESS

Sam Barberio

1575 Main St. E.

JALAL DPOUD

1557 Main St. E.

DAVE BARTON

1621 MAIN ST. East.

Marcel Bergeron

13 Strathearn

Cirimin Pace

25 Strathearn

Glenn Coppen

39 Strathearn

Walter Suchecki

37 Strathearn Ave.

Elizabeth Philpott

43 Strathearn Avenue

Patricia LeBlanc

59 Strathearn Ave

Tracy Turner

972 Dunsmore Rd.

Y. Emami

90 VALINCO

C. Sprak

78 Peling Ct.

Henry Argent

70 Peling Ct.

Mrs. M. L. Lickard

106 Peling Court

Maria Corbucci

107 Peling Court

Colleen Smith

1607 Main St.

Romeo Rossini

1611 MAIN ST. E.

D. ISMAIL

1635 MAIN ST. E.

Sarah M. M.

17 Strathearn Ave

R. Fortin

45 Strathearn

J. B. B.

85 Peling

J. H. H.

81 Peling

M. H. H.

69 Peling St.

I have no objection to an additional storey being built or to increase the number of residents from 15 to 30, at 1605 Main Street East in the City of Hamilton, operating as MONTGOMERY LODGE.

NAME

ADDRESS

F. J. J. J.	65 Paling
M. M. M.	57 Paling Crt.
Mrs. J. Chamberlain	53 Paling Crt.
Selena Baric	54 Paling Crt.
W. B. B.	40 Fairfield
Stan Schallenberg	28 Fairfield
J. Brownson	1617 Main Street East
Mrs. L. Rm	11 Selkirk Ave.
	15 Selkirk Ave.
Ph. Boland	53 STRATHEARNE
Don R. R.	33 ST. RATHEARNE
Jeff. C. C.	18 - Fairfield
Margaret T. T.	24 Fairfield Ave.
John. Ross	24 Fairfield Ave.
C. Rm	30 Fairfield
M. Rm	44 Fairfield Ave. N.
Yvonne Kidd	58 FAIRFIELD AVE.
A. Coric	89 PALING CRT.
A. Coppello	80 Paling Crt.
T. P. P.	77 Paling
Betty Kammie	61 Paling
Susan L. L.	27 Strathearne
Paula Brunetta	1613 Main St. E.

I have no objection to an additional storey being built or to increase the number of residents from 15 to 30, at 1605 Main Street East in the City of Hamilton, operating as MONTGOMERY LODGE.

NAME

ADDRESS

Luisa Jones	33 Selkirk Ave
Jacki Hunter	37 Selkirk Ave
E.A. Myers	45 Selkirk Ave
Patricia Jones	32 Selkirk Ave
Angela Jones	28 Selkirk Ave
Cheryl Longboat	20 Selkirk Ave
Louisa MacDonald	15 Selkirk Ave
Jim Kambojaski	55 STRATHEARN
Stephanie Blumley	470 Dunsmuir
Mrs E. Jones	968 Dunsmuir
Mrs J. Kayner	964 Dunsmuir
Mrs. F. Dempster	960 Dunsmuir
Bilbert Bilby	45 FAIRFIELD AVE. N.
F. Wood	35 Fairfield
E. Brown	29 Fairfield
A. Brown per P. Kuchta	19 Fairfield Ave
Paul Brown	15 Fairfield Ave
Mike Smith	13 Fairfield Ave
Lena Place	11 Fairfield Ave

SEKIRK

19-N/H 36-N/H
21-N/H 24-N/H
25-N/H 16-N/H
29-N/H

MAIN

1601 - SPOKE WITH MR. CLARKE - ~~ONE~~ LCBO - HAS NO OBJECTION - HOWEVER THEY DO NOT SIGN PETITIONS AS A RULE, BUT INDICATED IF A NOTICE WAS RECEIVED THEY WOULD RESPOND WITH NO OBJECTION.

1583 - HAKIM OPTICAL - require approval from TORONTO - don't foresee any difficulty.

STRATHERNE

21-N/H → Defasco Worker's on shift work → signed petition last time, I went around.
49-N/H.

PALING

82 → COME BACK WIFE BOWLING

~~WON'T SIGN / DOESN'T NEED ANYTHING~~ T.V. VIEW

73 → 3X N/H

58 → NO OBJECTION; HOWEVER WON'T SIGN.

50 → WILL ATTEND MEETING - INDICATED TO ME NO OBJECTION AS LONG AS I DON'T INCREASE MYHORE WORK SUNDAYS, START EARLY, AND ACQUIRE ANY MORE PROPERTIES.

FAIRFIELD

~~10 - LPP - ...~~ EVEN GO - KNOW SHE WILL ~~...~~

14 → NO OBJECTION - ~~OTHERS~~ PREFERS NOT TO SIGN.

30 → ESTATE SALE - LADY DIED

~~...~~
54 → UKRAINIAN LADY, DOESN'T UNDERSTAND ENGLISH

9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 26, 1991
(ZA-90-83)
Stipeley Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

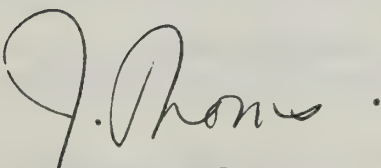
SUBJECT:

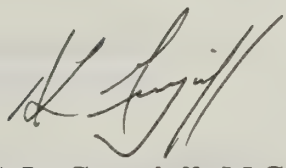
Request for a modification of zoning - No. 111 Prospect Street South.

RECOMMENDATION:

That Zoning Application 90-83, Cynthia Watson, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established three-family dwelling located at No. 111 Prospect Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a three-family dwelling into an area which is predominately occupied by single-family and two-family dwellings;
- ii) It represents an overintensification of use, in that the basement apartment has insufficient floor area (approximately 375 sq.ft. vs. 700 sq.ft. required) for conversion purposes, and adequate off-street parking cannot be provided (four off-street parking spaces required, only one legal parking space is provided);
- iii) Approval of the application would encourage other similar applications, which if approved, would change the character of the neighbourhood.


J.D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department


A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the modification is to legalize the three dwelling units within the existing building. In this regard, the applicant has advised that the floor areas of the apartment units are as follows:

- basement unit (bachelor) approximately 375 sq.ft.
- 1st floor unit (1 bedroom) approximately 730 sq.ft.
- 2nd floor unit (3 bedroom) approximately 750 sq.ft.

- Order to Comply

On June 22, 1990 the Building Department issued an Order to Comply to the applicant advising that the use of the building as a three family dwelling was not permitted, and that the occupancy be reduced to a two family dwelling or legalize the present use (see APPENDIX "B".)

- Zoning Verification

On October 13, 1989 the solicitor for the applicant Michael N. Rubenstein wrote to the Building Department requesting "whether or not there are any outstanding work orders and that the property is zoned for the purpose of this purchase." (see APPENDIX "C")

On October 18, 1989 the Building Department issued a Zoning Verification Certificate (see APPENDIX "D") advising that the proposed use (two family dwelling) is a legally established non conforming use." In addition, the following comments were noted:

"Provided the use as a two family dwelling has existed prior to the 25th day of July, 1950 continuously to the present date."

APPLICANT:

Cynthia Watson, owner.

LOT SIZE AND AREA:

- 12.19 m (40.0 ft.) of lot frontage on Prospect Street South;
- 27.85 m (91.40 ft.) of lot depth; and,
- 339.64 m² (3,656 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	three-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	one and two family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies among others, would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal does not comply with the intent of the Official Plan, in that it would result in the introduction of a three-family dwelling into an area predominately occupied by single-family and two-family dwellings. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" on the approved Stipeley Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. A three-family dwelling is not permitted.
 2. A three-family dwelling shall provide four (4) parking spaces with sufficient manoeuvring space and access driveway.
 3. This Department issued an Order to Comply to reduce occupancy to a two-family dwelling (copy attached).
 4. A Zoning Verification Certificate was issued to verify that the use is a legal non-conforming two-family dwelling (copy attached)."
- The Traffic Department has advised that:

"A field review of this site has identified only one legal parking space. The By-law requirements for this application is four parking spaces. The driveway is long enough to accommodate approximately four vehicles parked behind each other. However, this type of parking is not feasible for a rental property. Vehicles would be blocked in,

requiring tenants to shuffle their vehicles every time they wanted out. The tenants would find it more convenient to park on the street and therefore impact the adjacent residential dwellings.

Three parking spaces could be provided in the backyard if the existing garage is removed and parking is provided perpendicular to the north property line.

The Traffic Department would support a variance to reduce the parking requirements to three spaces."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

Any works within the Prospect Street road allowance must conform to the City of Hamilton Streets By-law.

The City Traffic Department should be commenting an access design."

- The Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

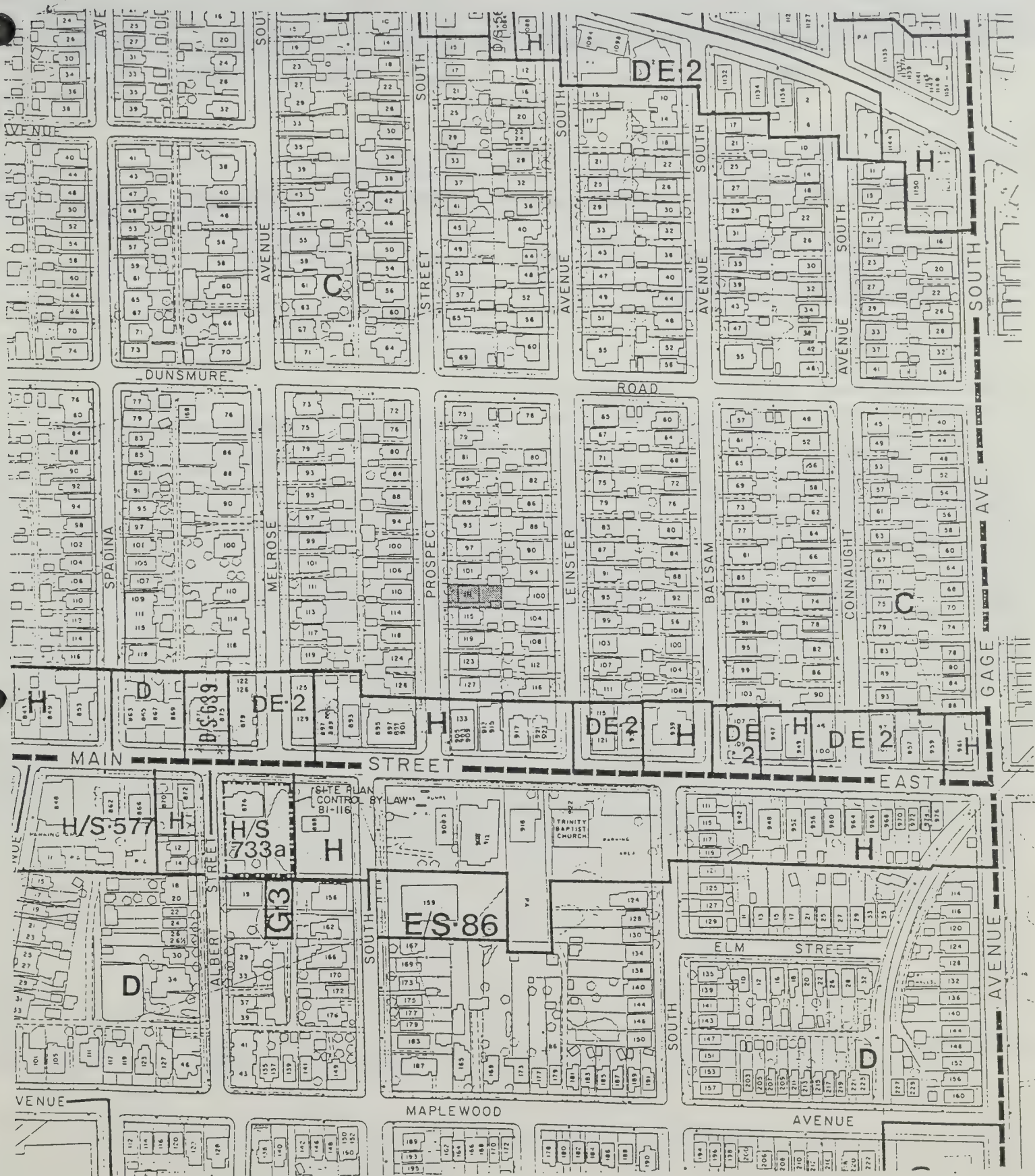
1. The proposal does not comply with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.
2. The proposal would not conflict with the intent of the approved Stipeley Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - i) it is contrary to the intent of the Official Plan, in that it represents the introduction of a three-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;
 - ii) it represents an overintensification of use in that the basement apartment has insufficient floor area (approximately 375 sq.ft. as opposed to 700 sq.ft.) required for conversion purposes, and that adequate off-street parking cannot be provided (four off-street parking spaces required, only one legal parking space is provided); and,
 - iii) approval of the application would encourage other similar applications which, if approved, would change the character of the neighbourhood.

With respect to required parking, a three-family dwelling requires a minimum of four (4) unobstructed parking spaces whereas only 1 (one) legal parking space is being provided. While it may be possible to accommodate four (4) stacked parking spaces in the driveway, stacked parking is not recognized in the Zoning By-law nor is it functional. According to the Traffic Department three (3) parking spaces could be accommodated in the rear yard provided that the frame garage is removed and the rear yard paved over to accommodate the spaces. This alternative is not desirable as it would remove the limited amenity space available for tenants use and could negatively affect the character of the area, especially the adjoining properties.

CONCLUSION:

On the basis of the foregoing, it is recommended that the application be denied.

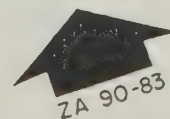
GAW/ma
WPZA9083



Legend



Site of the Application



PETRINI, RUBENSTEIN & WAXMAN
BARRISTERS & SOLICITORS

TELEPHONE (416) 525-9632
TELEFAX (416) 521-0690

242 JAMES STREET SOUTH, HAMILTON, ONTARIO L8P 3B3

GEORGE PETRINI, B.A.
MICHAEL N. RUBENSTEIN, B.A., LL.B.
GARY L. WAXMAN, B.A., LL.B.

October 13th, 1989

		30.00	
A	793	30.00	2
A	793	30.00	CHK TND

Mr. Paul Kuppe
Building Commissioner
City Hall
Building Department
Hamilton, Ontario

ATTENTION: WORK ORDERS & ZONING

Dear Sirs:

RE: WATSON purchase from Pavlica
111 Prospect Street South, Hamilton

Please be advised that we are the solicitors for the purchasers in connection with the purchase of the above property.

Would you kindly advise these offices as to whether or not there are any outstanding work orders and that the property is zoned for the purpose of this purchase.

We are also enclosing herewith a copy of the zoning verification form.

Our cheque for \$50.00 is enclosed for this service.

The closing date of this transaction is November 1st, 1989.

Yours very truly,
PETRINI, RUBENSTEIN & WAXMAN

MNR:sm
Encl.

MICHAEL N. RUBENSTEIN

OCT 12 1989

APPENDIX 7C

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

2000

ZONING VERIFICATION CERTIFICATE A 792

Re: Watson

FOR 111 Prospect Street South

A 792

792 TWO

BETWEEN STREET AND STREET

OWNER Alexander Pavlica and Iva Pavlica

PROPOSED USE (BE SPECIFIC) two family dwelling

NUMBER OF DWELLING UNITS two

PRESENT USE (BE SPECIFIC) two family dwelling

NUMBER OF DWELLING UNITS two

EXISTING BUILDING ☒

SIGNATURE

PROPOSED BUILDING ☒

INFORMATION REQUESTED BY

AND ADDRESS TO WHICH CERTIFICATE

NAME

Petrini, Rubenstein & Waxman
Barristers & Solicitors
242 James street South
Hamilton, Ontario
L8P 3B3VACANT LAND ☒

ADDRESS

SURVEYS (2) YES ☒ATTACHED NO ☒

DATE

October 13th, 1989

NOTE FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS OF THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT

SEE SECTION OF ZONING BYLAW 6593 AS AMENDED BY BYLAW NO.

NO COMMITTEE ADJUSTMENT No.

DISTRICT MAP No. E-33

THE PROPOSED USE IS PERMITTED ☒ IS NOT PERMITTED ☐ IS A LEGALLY ESTABLISHED NON CONFORMING USE ☒
THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES ☐ NO ☒COMMENTS Provided a use as a two family dwelling has existed prior to the 25th day of
July, 1950 continuously to the present date.

IMPORTANT: THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE
BYLAWS AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER
THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FROM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No.

58514

ZONING VERIFICATION CERTIFICATE ISSUED BY

D.M. King/ga

BUILDING COMMISSIONER

FEE \$ 20.00

DATE Oct. 18/89

RECEIVED

FEB 18 1991

9a

Hamilton, Febr, 14 1991

To, CITY CLERKS
PLANNING and DEVELOPMENT COMMITTEE
CITY of HAMILTON

A change to a three dwelling units at 111
Prospect St.S. Will add to the existing problem
of parking space on the street, as well as
encourage an increase of absentee landowner.

Sincerely

Sanmartin Gelindo

G. Sanmartin
Lucy Sanmartin
86 Keirster St. So

March 6th meeting

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 27, 1991
(CI-90-H; Strathcona Neighbourhood)

REPORT TO: Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

City Initiative - modification in zoning for lands on the west side of Locke Street South, between properties municipally known as Nos. 18 to 64 Locke Street South.

RECOMMENDATION:

That approval be given to City Initiative 90-H, for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, applicable to properties municipally known as Nos. 18 to 64 Locke Street South as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That Section 4.(3)(b) of By-law No. 6593 shall not apply;
 - b) That notwithstanding Sections 10(3)(i) and 18(3)(iii) of By-law No. 6593 a front yard of a depth not less than 2.5 m and not greater than 3.0 m shall be provided and maintained;
 - c) That vehicular access to or from Locke Street South, shall be prohibited;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-12 be notated S- ;

- iii) That the City Solicitor be directed to prepare a By-law . amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for modifications to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, for properties municipally known as Nos. 18 to 64 Locke Street South, in the area between Main Street West and King Street West, as shown on the attached map.

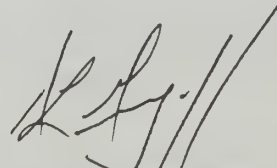
The effect of the By-law is to permit the construction of buildings on this section of Locke Street South, notwithstanding the existing road allowance width is 10.0 m instead of the required 12.0 m minimum.

In addition, the By-law provides for the following variances as special provisions:

- to establish a front yard setback of between 2.5 m and 3.0 m on this section of Locke Street South, whereas a minimum of 6.0 m is required; and,
- to prohibit vehicular access to/from Locke Street South for new development along this section of Locke Street South.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

o Strathcona Neighbourhood Plan Amendments

At its meeting held on October 24, 1990 the Planning and Development Committee adopted the following recommendations regarding proposed amendments to the Strathcona Neighbourhood Plan for lands located on Locke Street South between Main Street and King Street:

- "(a) That the approved Strathcona Neighbourhood Plan (Map 1) be amended to:
 - i) delete the designated widening of Locke Street South between Main Street and King Street; and,

- ii) add a special policy in the Plan to require 3.0 m front yard setbacks for new development on the west side of Locke Street South between Main Street and King Street, and to prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.
- (b) That the Planning and Development Department be directed to undertake a City Initiative and schedule a Public Meeting to consider amendments to the Zoning By-law for Locke Street South between Main Street and King Street to:
 - i) permit the construction of buildings on this section of Locke Street, notwithstanding the existing road allowance width of 33 ft. for this roadway;
 - ii) reduce the front yard setback along the west side of Locke Street South to 3.0 m; and,
 - iii) prohibit vehicular access from Locke Street South for new development along the west side of Locke Street.
- (c) That the Transport and Environment Committee be requested to initiate the improvement of the existing north-south alleyway between Locke Street and Margaret Street, to permit rear parking and access, regardless of whether Locke Street is to be widened or not. The disposition of the City owned lands adjacent to the alleyway should be resolved prior to the alleyway improvements."

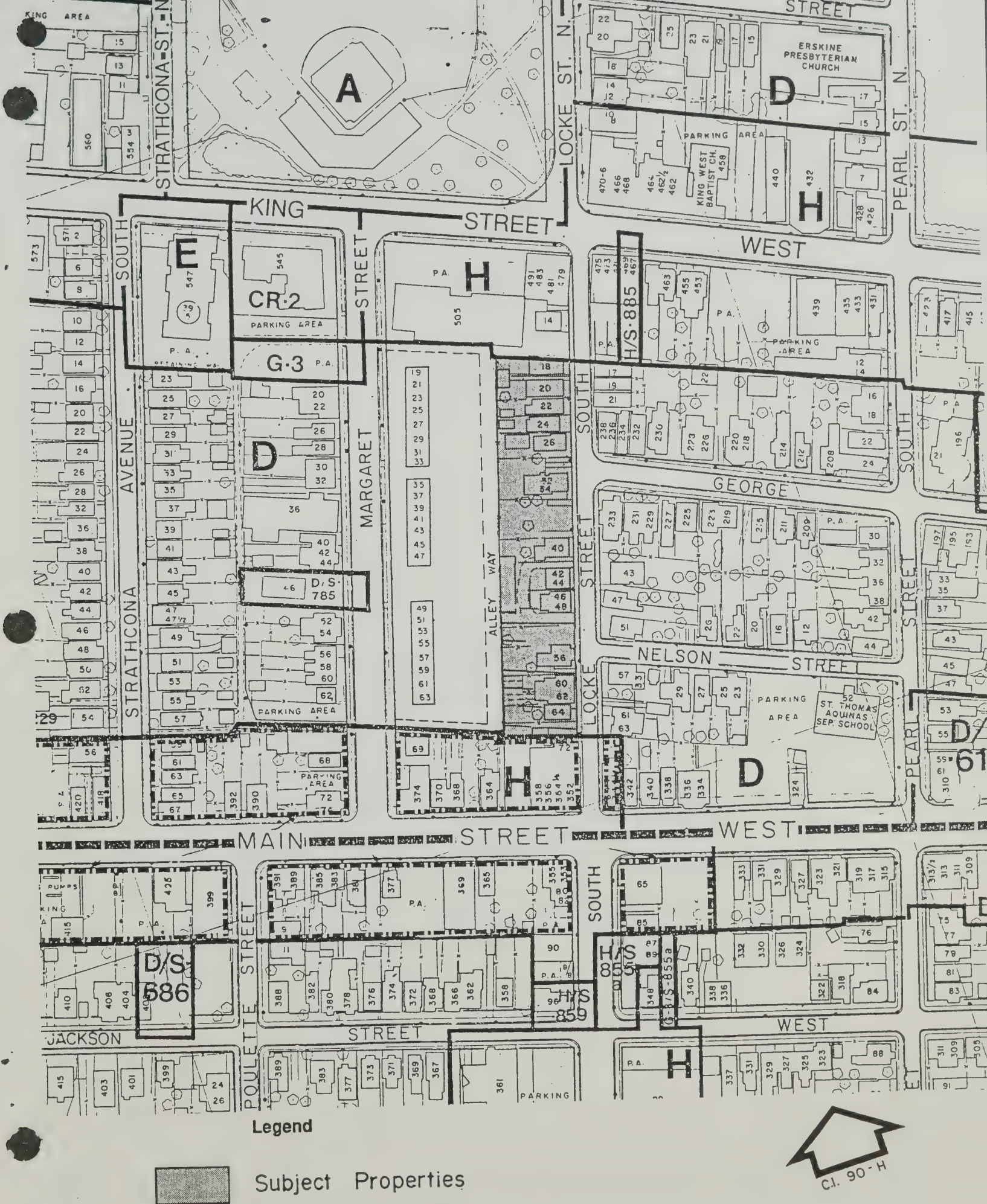
• City Council Recommendation

At its meeting held on October 30, 1990, City Council adopted the recommendations of the Planning and Development Committee (Item 11 of the 18th Report Planning and Development Committee, 1990).

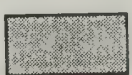
CONCLUSION:

With the exception of Item (b)(ii) of Councils resolution the proposed zoning modifications implement Item 11(b) of the 18th Report of the Planning and Development Committee for 1990, as adopted by City Council on October 30, 1990. In this regard, it is suggested that a variable setback of between 2.5 m and 3.0 m be applied rather than establish a minimum front yard setback of 3.0 m. This would allow for flexibility in terms of compliance with the By-law while still maintaining the established building setbacks along this section of Locke Street South. Furthermore, the amending by-law should prohibit the application of Section 18(3)(iii) respecting front yard reductions, in that the recommended 2.5 - 3.0 m range could in some instances, be further reduced by up to 30%.

GAW/ma
WPCI90H



Legend



Subject Properties

Urban Municipal
Librarian

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

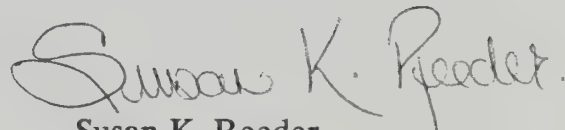
URBAN/MUNICIPAL

CAH ON HBL AOS
CSIPU 1991

1991 March 14th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 March 20th
9:30 o'clock a.m.
Room 233, City Hall


Susan K. Reeder
Secretary

NOTE: An evening meeting of the Planning and Development Committee will be held at 7:00 o'clock p.m. at the Hamilton Convention Centre, respecting the Housing Intensification Study. A separate Agenda is being sent for this meeting.

AGENDA

A. Consent Agenda.

ALDERMAN B. HINKLEY

1. Ontario Home Renewal Programme - Disabled - 137 Birge Street.

ALDERMAN D. DRURY

2. Resolution - Tenant Protection.

DIRECTOR OF PUBLIC WORKS

3. Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.), Community Improvement Plan (C.I.P.)
4. Anti-Recession P.R.I.D.E. Allocation.
5. Public Service Announcement (P.S.A.) II - Phase IV, Downtown Hamilton Action Plan, Implementation of Sanitation Study recommendation.

DIRECTOR OF LOCAL PLANNING

6. Update - Day Nurseries By-law. (no copy)

BUILDING COMMISSIONER

7. Building Department Service - Reorganization of Administration and Plan Examination Division. (Private and Confidential)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

8. Zoning Application 90-70, 740898 Ontario Inc. (L. and E. McCarthy) owner, for a further modification to the "D" District regulations for property at 41 and 45 Cathcart Street; Beasley Neighbourhood.

10:45 O'CLOCK A.M.

9. Subdivision Application 25T-90023 and Zoning Application 90-46, Primecan Holdings Inc., owner, for changes in zoning from "AA" to "C", "E-2" and "RT-20" for land on the west side of Upper Wellington Street and south of the proposed Mountain Freeway; Jerome Neighbourhood.
10. Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.

11:00 O'CLOCK A.M.

11. Zoning Application 90-41, J. Morrison and S. Zemaitis, owners, for a modification to the "C" District regulations for property at 172 Sanford Avenue South; St. Clair Neighbourhood.
12. Zoning Application 90-87, Hamilton-Wentworth Catholic Separate School Board, owner, for a change in zoning from "D" to "C" for land at 295 Green Cedar Drive; Gurnett Neighbourhood.
13. Other Business.
14. Adjournment.

Wednesday, 1991 March 6
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Acting Chairman
Alderman D. Wilson
Alderman D. Ross
Alderman M. Kiss
Alderman W. McCulloch
Alderman H. Merling
Alderman V. Formosi

Regrets: Mayor Robert M. Morrow - City Business
Alderman F. Lombardo, Chairman - Regional Business

Also present: Alderman D. Agostino
Mr. D. Kelterborn, Board of Education
Mr. P. Mallard, Planning Department
Mr. B. Janssen, Planning Department
Mr. P. Hooker, Law Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. K. Brenner, Regional Engineering Department
Ms. J. McNeilly, Public Works Department, Community Renewal
Section
Mrs. C. Floroff, Planning Department
Mr. J. Sakala, Planning Department
Mr. D. Dube, Public Works Department, Community Renewal Section
Mr. R. Karl, Traffic Department
Mrs. J. Hickey-Evans, Planning Department
Ms. M. Domagala, Planning Department
Mrs. V. Grupe, Planning Department
Mrs. Susan K. Reeder, Secretary

DELEGATION

AA. Planning Initiatives Ltd. - Request for a Carpenter Neighbourhood Plan Review.

The Committee was in receipt of a letter from Planning Initiatives Ltd., requesting a review of the Carpenter Neighbourhood. Mr. George Barclay, Mr. John Ariens, and Mr. Peter DeSantis of this Group were in attendance and spoke to the Committee with respect to their request.

They distributed an Executive Summary on their presentation and the proposed development for those lands that they wish to undertake.

Mr. B. Janssen of the Planning Department responded on the Planning Department's Work Programme for Neighbourhood Reviews.

Considerable discussion ensued on this matter and the Committee agreed to direct that members of the Planning Department, the Ward Aldermen and representatives of Planning Initiatives Ltd. work together on a consultant-type of basis to undertake a review of the Carpenter Neighbourhood.

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

The Committee was in receipt of the minutes of their last meetings held on Wednesday, 1991 February 6th and Wednesday, 1991 February 20th and approved these minutes as circulated to them.

BUILDING COMMISSIONER

B. By-law for the appointment of a Chief Building Official and Inspectors pursuant to The Building Code Act, R.S.O. 1980, Chapter 51.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 18, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized to prepare the appropriate By-law to amend By-law 87-312 for the Appointment of a Chief Building Official and Inspectors pursuant to The Building Code Act, R.S.O., 1980, Chapter 51.

Note: By-law 87-312 is the By-law under which the Building Commissioner and other Inspectors are appointed. Due to recent changes in the staff of the Building Department, By-law 87-312 requires amendments.

C. 1991 Annual Conference of the Ontario Association of Committees of Adjustment.

The Committee was in receipt of a report from the Building Commissioner dated 1991 February 20, respecting the above-noted matter and approved the following:

That two members of the Committee of Adjustment be authorized to attend the 1991 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days, 1991 June 2 - 5 in Niagara Falls, Ontario at an expense not exceeding \$750. each, to be charged to Account No. CH 55201-10010, Legislative Travelling.

D. CITY SOLICITOR - Proposed Expropriation - Alpha Enclave (West).

The Committee was in receipt of a report from the City Solicitor dated 1991 February 27, respecting the above-noted matter and approved the following:

That the City Solicitor be authorized to prepare the appropriate By-law to expropriate the following properties in the City of Hamilton Alpha Enclave (West), for the purpose of acquiring lands, buildings and structures used or erected for a purpose which does not conform with the Zoning By-law:

- (a) 211 Brant Street
- (b) 358 Birch Avenue
- (c) 9 Gerrard Street
- (d) 217 Brant Street
- (e) 388 Birch Avenue
- (f) 23 Gerrard Street
- (g) 402 Birch Avenue
- (h) 27 Gerrard Street

Note: There are sufficient funds in the City's Alpha Enclave Clearance Program (Account #CCF55903 08750001) to cover the costs of these expropriations.

E. DIRECTOR OF PUBLIC WORKS - Central Beasley Programme for Renewal Improvement, Development and Economic Revitalization (P.R.I.D.E.) - Community Improvement Plan.

The Committee was in receipt of a report from the Director of Public Works dated 1991 February 25, respecting the above-noted matter.

The Committee approved the following:

That a Public Meeting be held to receive citizen input on the attached Central Beasley P.R.I.D.E. Community Improvement Plan.

REGULAR AGENDA

2. DIRECTOR OF PUBLIC WORKS (COMMUNITY RENEWAL SECTION) - Application for funds under the Job Development Grant Programme.

The Committee was in receipt of a report from the Director of Public Works dated 1991 February 28, respecting the above-noted matter and approved the following:

- (a) That the Community Renewal Section of the Public Works Department be authorized to make application to the Federal Government, Canadian Job Strategies Department for funds under the Job Development Grant Programme (totalling \$78,221.00) to hire temporary full-time staff for placement in a central B.I.A. office to foster a partnership amongst the B.I.A.'s and the City of Hamilton and to assist the B.I.A.'s Boards of Management in delivery of services; and,
- (b) That the Mayor and City Clerk be authorized to sign the Federal/Municipal Agreement for the purpose of implementing the Job Development Programme.

Note: There are no financial contributions required from the City. The following B.I.A.'s will take part in the programme: Main Street West B.I.A.; Westdale Village B.I.A.; Jamesville B.I.A.; Barton General B.I.A.; and Concession Street B.I.A.

DIRECTOR OF LOCAL PLANNING

3. City comments on Town of Ancaster Official Plan Amendment No. 39.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 26, respecting the above-noted matter and approved the following:

That the City Clerk be directed to advise the Town of Ancaster that Amendment No. 39 to the Ancaster Official Plan has no impact on the planning intentions of the City of Hamilton.

Note: The Town of Ancaster has requested the City's comments, amongst others, on their Official Plan Amendment No. 39. The purpose of the Amendment is to implement the Secondary Plan prepared for the Scenic Woods South Neighbourhood located on the south side of Mohawk Road, approximately 100 m west of the Hamilton City limits.

4. Site Plan Control Application 90-92, ABD Technology Inc., owners of land known as 55 Lancing Drive; Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 19, respecting the above-noted matter.

The staff recommendation on this application had been for denial and the Committee discussed this matter at some length.

As a result of several other properties in the near vicinity who have been allowed to place pylon signs closer to the road, the Committee directed that this matter be reviewed by the Committee of Adjustment for consideration of approval of the pylon sign as a non-conforming use.

5. Update - Day Nurseries By-law No. 90-248.

Alderman McCulloch spoke to this matter and indicated the difficulties being encountered with the City's Day Nurseries By-law, with respect to an Appeal made by the Niagara Escarpment Commission and discussions ongoing with staff of the City and the Niagara Escarpment Commission on these objections.

Ms. Joan McKee of the Y.W.C.A. was in attendance at the meeting, respecting their intent to open a Day-Care Facility.

Mr. P. Mallard of the Planning Department advised the Committee that the Y.W.C.A. has made a Zoning Application to the Planning and Development Committee for a change to permit this Day Care use.

Following considerable discussion on this matter the Planning and Development Committee directed that the Y.W.C.A. application be withdrawn for a Zoning Application and that instead they proceed to make application to the Committee of Adjustment for a minor variance. The Committee also directed that the Zoning Application fee be refunded to the Y.W.C.A. since no work has proceeded on this recently opened file.

ADDED - Proposal to sell the former Inverness School - 402 Upper Wentworth Street.

The Committee was in receipt of a memorandum from the Acting Secretary of the Parks and Recreation Committee dated 1991 March 6, respecting the above-noted matter with respect to a recommendation recently approved by the Parks and Recreation Committee at its meeting held Tuesday, 1991 March 5, for Council consideration, respecting the intent for the City to sell its property of the former Inverness School on Upper Wentworth Street.

The Parks and Recreation Committee recommendation requests that the Planning and Development Committee review the zoning of this property and recommend a change from "D" Zoning (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District to "C" Zoning (Urban Protected Residential) District to permit single family dwelling use.

The Committee discussed this matter at some length and made the following recommendation:

That the Director of Local Planning be directed to proceed with a City Initiative on the property located at 402 Upper Wentworth Street (former Inverness School) to recommend a change in zoning from "D" Zoning (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District to "R-4" Zoning (Small Lot Single Family) District to permit single family dwelling use.

Note: The Parks and Recreation Committee at its meeting held Tuesday, 1991 March 5, approved the demolition of the school structure on the site, conditional upon receipt of Ontario Municipal Board approval of the Sackville Hill Park site as the location for the Senior Citizen Centre, as well as the sale of the property for single family development purposes (10 lots).

ADDED - Update - Zoning Application 90-32, for property at 829, 837, 845 and 867 Rymal Road East.

Mr. P. Mallard of the Planning Department reported on the status of the above-noted Zoning Application, which had been before the Committee at its last meeting, with instructions that the owners of these lands and abutting lands were to work on an agreement on the land use for their respective properties and come back to the Committee at the February 20th meeting.

Mr. P. Mallard reported to the Committee that the Applicant has recently provided them with a request for new uses on the lands. He also advised that a Public Meeting of the Neighbourhood to discuss the possible closure of the walkway is scheduled for 1991 March 27th.

Accordingly, the Committee received this information and confirmed that the above-noted Zoning Application will come back to the Committee when these matters have been resolved.

ZONING APPLICATIONS

6. Zoning Application 90-93, S. Wise Construction Ltd., owner, for a change in zoning from "D" to "R-4" for land on the south side of Landron Avenue between Lockheed Drive and Upper Kenilworth Avenue; Lisgar Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 26, respecting the above-noted matter.

The Committee approved the following:

- (a) That approval be given to Zoning Application 90-93, S. Wise Construction Ltd., owner, requesting changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "1") and from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified (Blocks "2" and "3") to "R-4" (Small Lot Single-Family Detached) District, for lands located on the south side of Landron Avenue between Upper Kenilworth Avenue and Lockheed Drive, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
 - (ii) That Blocks "2" and "3" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified to "R-4" (Small Lot Single-Family Detached) District;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,
 - (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

- (b) That By-law No. 76-79 and By-law No. 89-106 be repealed in their entirety.

Note: The purpose of the By-law is to provide for changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (Block "1") and from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified (Blocks "2" and "3") to "R-4" (Small Lot Single-Family Detached) District, for lands located on the south side of Landron Avenue between Upper Kenilworth Avenue and Lockheed Drive.

The effect of the By-law is to permit development of the subject lands for small lot single-family dwellings.

7. Zoning Application 90-90, I. Zupancic, owner, for a modification to the "HH" District regulations for property at 298 Grays Road; Riverdale East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 22, respecting the above-noted matter.

Report of the circularization was given as follows:

134 notices sent 11 in favour 5 opposed

The Committee approved the following:

- (a) That approval be given to Zoning Application 90-90, Ivan Zupancic, owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations to permit conversion of the second floor of the existing commercial building to nine apartments, for property located at 298 Grays Road, as shown on the attached map marked as Appendix "B", on the following basis:
- (i) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
- (1.) That notwithstanding Section 14A(1) of By-law No. 6593, a multiple dwelling having not more than 9 dwelling units shall be permitted solely within the existing building provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of By-law No. 6593;
 - (2.) That notwithstanding Section 15B(3)(b), a bait and tackle shop shall be permitted;
 - (3.) That notwithstanding Section 14A of By-law No. 6593, any of the permitted commercial uses shall be located within the first storey only;
 - (4.) That notwithstanding Section 14A of By-law No. 6593, a landscaped area of not less than 6.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire rear lot line;
 - (5.) That notwithstanding Section 18A(20)(b), a minimum of one 3.7 m x 18.0 m loading space shall be provided and maintained;

- (6.) That all residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1220, and that the subject lands on Zoning District Map E-123 be notated S-1220;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (v) That the Riverdale East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of an amended site plan incorporating the increased landscaping requirements along the entire rear lot line.

Note: The purpose of the By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations for property located at 298 Grays Road.

The effect of the By-law is to permit the conversion of the second floor of the existing commercial building to nine apartments. In addition, the By-law provides for the following variances as special provisions:

- (a) A visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height plus a landscaped area of not less than 6.0m in width shall be provided and maintained along the entire rear lot line;
- (b) One large loading space is to be provided and maintained whereas two small loading spaces are required;
- (c) To permit the existing bait and tackle shop;
- (d) That only commercial uses permitted in the "CR" (Commercial-Residential) District shall be permitted;
- (e) That the commercial uses shall be located on the first floor of the building only; and,
- (f) Access to the residential units is to be completely separate from the commercial uses.

8. Zoning Application 90-91, J. Kozar, owner, for a modification to the "H" (Commercial Shopping and Commercial, etc.) District regulations for property at 1605 Main Street East (Montgomery Lodge).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 26, respecting the above-noted matter.

The Committee was also in receipt of a submission from the Liquor Control Board of Ontario, 202 Gage Avenue North, as well as a petition of support for the application from area residents.

Report of the circularization was given as follows:

106 notices sent 18 in favour 2 opposed

Ms. Kozar, owner of the property, spoke to the Committee with respect to her application. She indicated that the plans to add a second storey onto the building would not affect the surrounding area. She also spoke on reasons why her application should be approved and referred to other instances where approvals were given for similar types of establishments. Ms. Kozar also distributed a presentation giving reason for approval of her application, as well as distributing pictures of her facility to illustrate the home environment of her Home. She further added that she has no intention of expanding beyond the 30 beds she is requesting.

The staff recommendation for this application was for denial on the following basis:

- (a) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal is a departure from this philosophy in that the existing capacity of the facility would be double what is permitted (30 vs 15) and exceeds the permitted capacity of the general "H" District provisions by 50% (30 vs 20).
- (b) Approval of the application would encourage other similar applications which, if approved, would undermine the intent and philosophy of the by-law.

The Committee discussed this application at some length and agreed to approve the application at a maximum of 24 beds as follows:

That approval be given to amended Zoning Application 90-91. J. Kozar, owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to increase the capacity of the existing residential care facility from 15 to 24 residents, for property located at 1605 Main Street East, shown as Blocks "1" and "2" on the attached map marked as Appendix "C", on the following basis:

- (a) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 14 (1)(iiiib), a residential care facility for the accommodation of a maximum of 24 residents shall be permitted.
 - (ii) That notwithstanding Section 18A(24)(b)(i), the access driveway shall have a width of not less than 3.34 m.
 - (iii) That Section 18A(26) shall not apply.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1218, and that the subject lands on Zoning District Map E-64 be notated S-1218;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-64 for presentation to City Council;

- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved Homeside Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Low Density Apartments".

Note: The purpose of the By-law is to provide for a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, for property located at 1605 Main Street East, shown as Block "1".

The effect of the By-law is to increase the capacity of the existing residential care facility from 15 to 24 residents.

In addition, the By-law provides for the following variances:

- (a) To permit the existing driveway to have a width of 3.34m whereas 5.5m is required; and,
- (b) To permit the existing driveway to abut a residential district.

Note: Alderman Formosi, McCulloch and Ross opposed.

9. Zoning Application 90-83, C. Watson, owner, for a modification to the "C" District regulations for property at 111 Prospect Street South; Stipeley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 26, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from G. Sanmartin, 86 Leinster Street South.

Report of the circularization was given as follows:

271 notices sent 6 in favour 16 opposed

Mr. Murray Mathews, Solicitor, representing the owner, spoke to the Committee on the application. He indicated that the owner had never been advised that the unit was two family only, since the building was already set up as a three unit dwelling when she purchased it for income purposes. He went into some detail on the financial situation his client is in, in that she requires the three units to be rented in order to support the mortgage payments on the building. He also added that the basement tenant is currently unemployed and it would be very difficult to give him an order to vacate the premises. With respect to the parking, Mr. Mathews indicated that none of the tenants have cars and that if required the owner would provide parking on site.

Mrs. Powers, 76 Leinster Street, spoke to the Committee and indicated that her property backs onto 75 Prospect which is presently a vacant building. She is concerned at the parking and renters taking up spaces. She indicated that she is a single family home owner and that extra rental units are not needed in the area.

The Committee discussed this matter and made the following denial recommendation:

That Zoning Application 90-83, Cynthia Watson, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established three-family dwelling located at 111 Prospect Street South, as shown on the attached map marked as Appendix "D", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a three-family dwelling into an area which is predominately occupied by single-family and two-family dwellings;
- (b) It represents an overintensification of use, in that the basement apartment has insufficient floor area (approximately 375 sq.ft. vs. 700 sq.ft. required) for conversion purposes, and adequate off-street parking cannot be provided (four off-street parking spaces required, only one legal parking space is provided);
- (c) Approval of the application would encourage other similar applications, which if approved, would change the character of the neighbourhood.

Note: Alderman McCulloch opposed.

10. City Initiative 90-H, for a modification to the "D" District regulations for properties on the west side of Locke Street South from 18 to 64; Strathcona Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 February 27, respecting the above-noted matter.

The owner of property at 364 Main Street West spoke to the Committee in opposition to the application with respect to his concerns on the abutting alleyway.

Mr. Ted Bruin, owner of vacant lots at 36 and 52 Locke Street, spoke to the Committee and indicated that he does not see the paving of the alleyway as a solution to the City Initiative presently before the Committee. He indicated that he is in favour of the application.

The Committee then approved the following recommendation:

That approval be given to City Initiative 90-H, for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, applicable to properties municipally known as 18 to 64 Locke Street South as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That Section 4.(3)(b) of By-law No. 6593 shall not apply;
 - (ii) That notwithstanding Sections 10(3)(i) and 18(3)(iii) of By-law No. 6593 a front yard of a depth not less than 2.5 m and not greater than 3.0 m shall be provided and maintained;
 - (iii) That vehicular access to or from Locke Street South, shall be prohibited;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1219, and that the subject lands on Zoning District Map W-12 be notated S-1219;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-law is to provide for modifications to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, for properties municipally known as 18 to 64 Locke Street South, in the area between Main Street West and King Street West.

The effect of the By-law is to permit the construction of buildings on this section of Locke Street South, notwithstanding the existing road allowance width is 10.0m instead of the required 12.0 m minimum.

In addition, the By-law provides for the following variances as special provisions:


- (a) To establish a front yard setback of between 2.5 m and 3.0 m on this section of Locke Street South, whereas a minimum of 6.0 m is required; and,
- (b) To prohibit vehicular access to/from Locke Street South for new development along this section of Locke Street South.

City Council at its meeting held 1990 October 30 approved:

"That the Transport and Environment Committee be requested to initiate the improvement of the existing north-south alleyway between Locke Street and Margaret Street, to permit rear parking and access, regardless of whether Locke Street is to be widened or not. The disposition of the City owned lands adjacent to the alleyway should be resolved prior to the alleyway improvements."

There being no further business, the meeting then adjourned.

Taken as read and approved,


Susan K. Reeder
Secretary
1991 March 6


ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

CAY ON HBL AS
C S I P U 1991

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 MARCH 20TH

C O N S E N T A G E N D A

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT
COMMITTEE

- A. Minutes of the meeting of the Planning and Development Committee held on Wednesday, 1991 March 6th. (copy to follow)

BUILDING COMMISSIONER

- B. Demolition Permit Application - 1129 Cannon Street East.

DIRECTOR OF LOCAL PLANNING

- C. Proposed Draft Plan of Condominium - Taba Developments Ltd., south of Stone Church Road East on the east side of Upper Ottawa Street.

CITY OF HAMILTON

B.

— RECOMMENDATION —

DATE: 8 March 1991

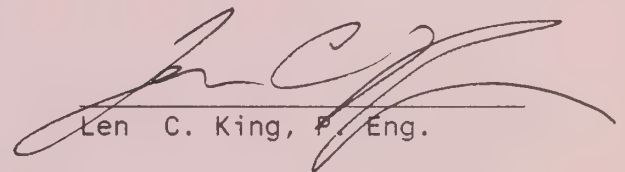
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1129 CANNON STREET EAST - Tag Number 81859

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1129 Cannon Street East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Community shopping and commercial, etc.) and "D" (urban protected residential one and two family dwellings, townhouses, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey frame construction insulbrick sided dwelling in fair condition.

It is the intention of the owner to demolish the existing rear residential single family dwelling portion of the existing commercial building at 1129 Cannon Street East and replace it with a two storey single family dwelling. The owners have applied for and received a final and binding Committee of Adjustment decision for the required variances to the proposal. Lot size 25' X 100'.

The owner of the property as per the demolition permit application is:

Ornelio Lombardi
11 Leslie Drive
STONEY CREEK, Ontario L8G 2P9 Telephone 662-6954

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 12

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Proposed Draft Plan of Condominium.

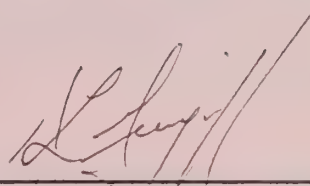
RECOMMENDATION:

That approval be given to application 25CDM-90010, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated August 22, 1990, showing 12 industrial units.
- (b) That the owner receives approval of an amendment to Site Plan Control Application DA-88-86 prior to Final Approval.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

- Taba Developments Ltd., Hamilton, Ontario

Surveyor:

- Rady-Pentek & Edwards Surveying Ltd., Downsview, Ontario

Location:

The lands, comprising 0.616 ha., are located south of Stone Church Road East on the east side of Upper Ottawa Street in the Rymal Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to erect one building with 12 industrial units as an industrial condominium project.

EXISTING DEVELOPMENT CONTROL:

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial Business Parks" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial". The proposal complies.

Zoning - the lands are zoned "M-12" Prestige Industrial Uses. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation
- Ontario Hydro, Union Gas and Bell Canada
- City Traffic Department
- City Building Department

The Regional Department of Engineering has submitted the following comments and recommendations:

For Information:

- (1) A municipal watermain is available and is of sufficient size to service this proposed development.
- (2) Municipal storm and sanitary sewers are available and are of sufficient capacity to service this proposed development.
- (3) Sufficient road widenings have been taken to establish Upper Ottawa Street to its ultimate width.

Recommendations:

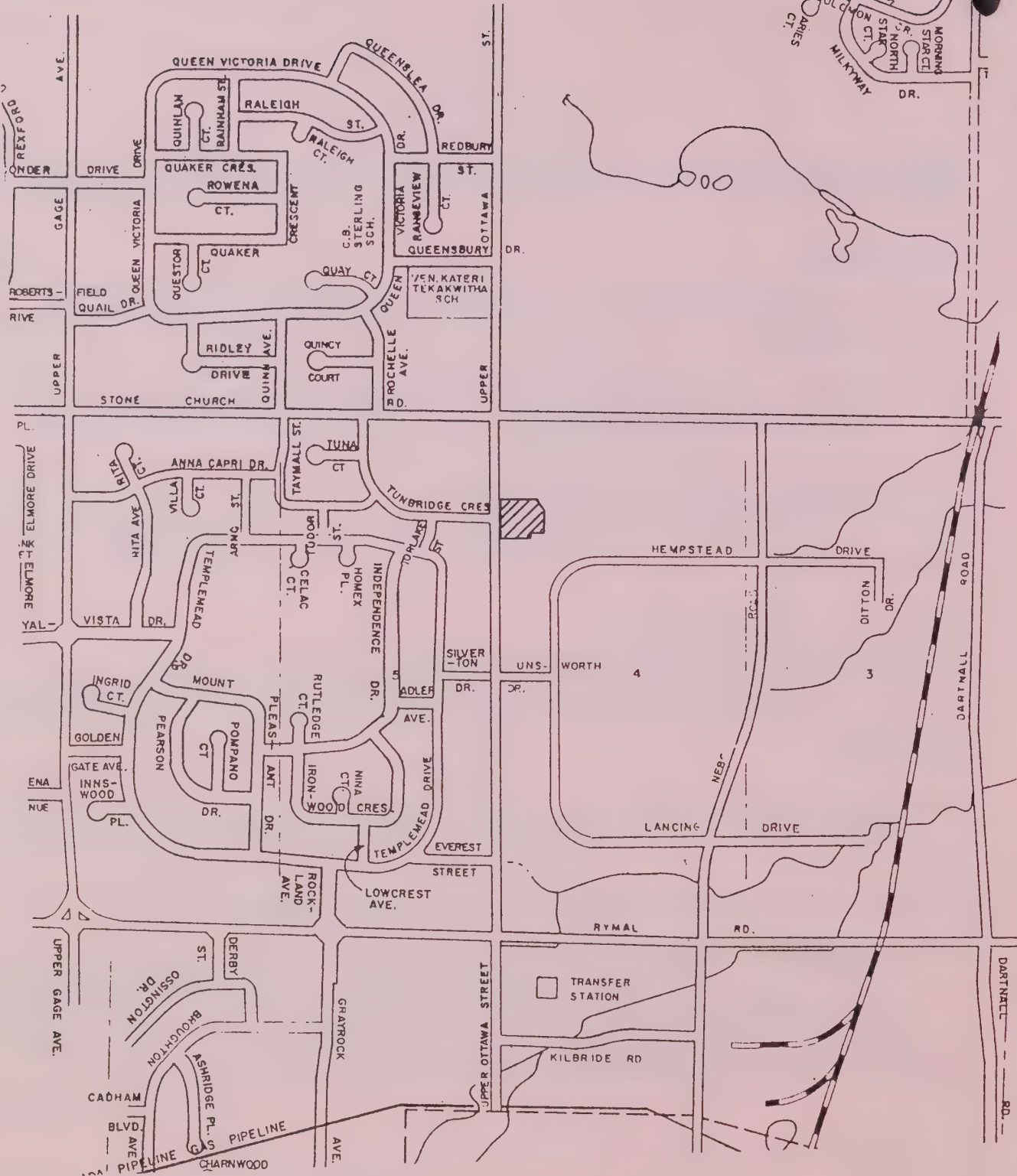
There are no conditions required.

The submitted plan, as prepared by Rady-Pentek & Edward Surveying Ltd., and dated August 27, 1990, is satisfactory to the Engineering Department subject to the above noted comments.

COMMENTS:

- (1) The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
- (2) No commenting agency has objected to the proposed condominium project.
- (3) The owner, on February 29, 1989, received approval of a site plan under Application DA-88-06 for an Industrial-Commercial Development. The area of this proposed plan is only part of a larger plan. There are concerns with various features such as driveways, loading areas, sideyards, and by-law requirements which would require an amendment to the original DA-88-86 application to resolve these issues.

JLS/l
Reports
CDM90010



LOCATION PLAN FOR

DRAFT PLAN OF CONDOMINIUM PROJECT
ON BLOCK 57 AND PART OF LOT 38
PLAN 62M-489 AND
PART OF LOT 4, CONCESSION 8
(FORMERLY IN THE GEOGRAPHIC TOWNSHIP OF BARTON,
COUNTY OF WENTWORTH)
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

1" = 1000'

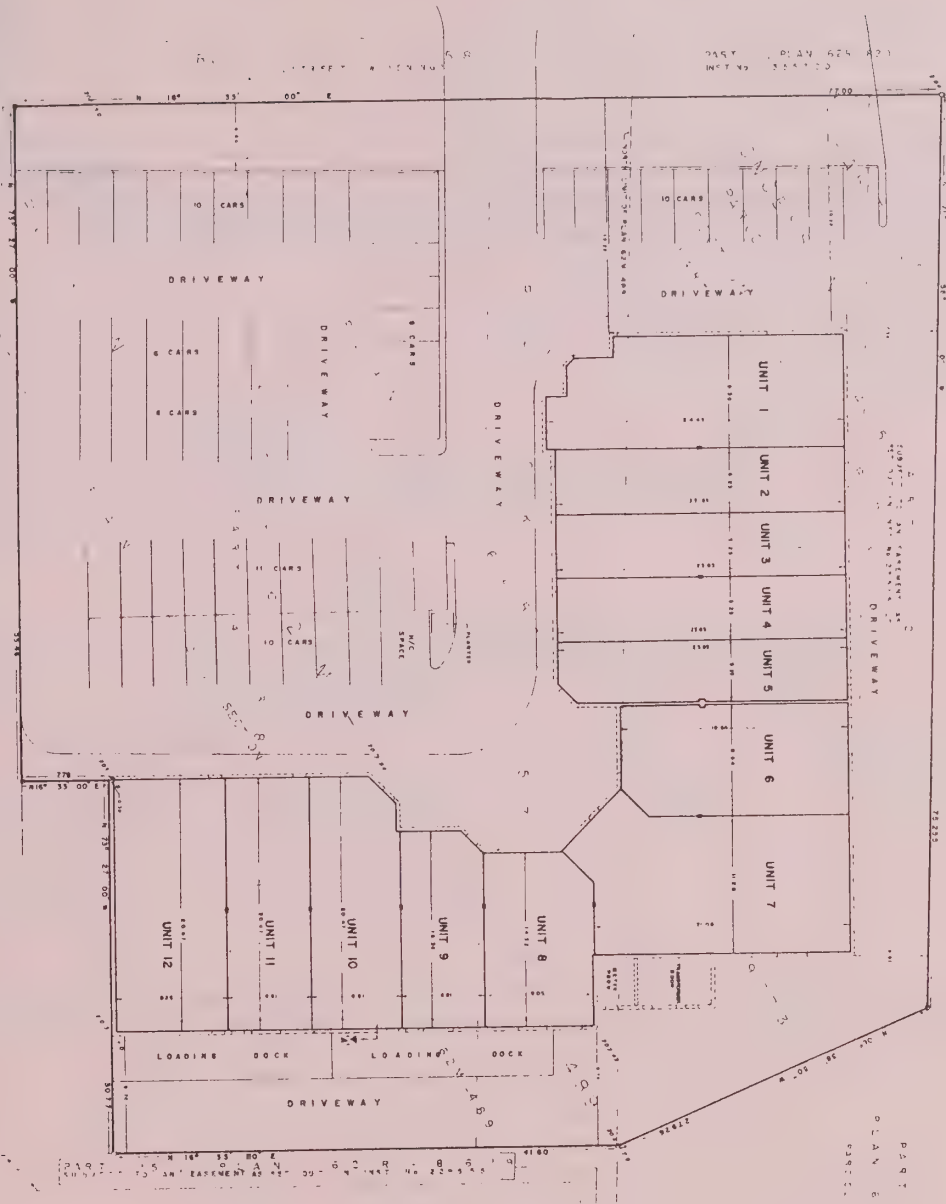
Date

SEPT. 26, 1990

Reference File No.

25CDM-90010

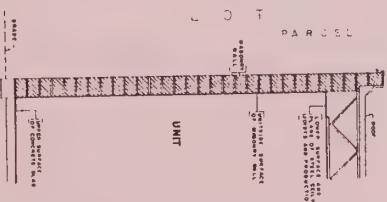
Drawing No.



PLAN 62M-489
PART 4.1

PLAN 62M-489
PART 4.1

SECTION 'A'
(NOT TO SCALE)



**DRAFT PLAN OF CONDOMINIUM PROJECT
ON BLOCK 57 AND PART OF LOT 38
PLAN 62M-489 AND
PART OF LOT 4, CONCESSION 8
(FORMERLY IN THE GEOGRAPHIC TOWNSHIP OF BARTON,
COUNTY OF WENTWORTH)
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-
WENTWORTH**

SCALE 1:200
RADY-PENTER & EDWARD SURVEYING LTD., O.L.S. 1980
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 3048

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 50 OF
THE PLANNING ACT.**

- (a) SEE SITE PLAN FOR EXISTING ROADS
- (b) SEE SITE PLAN FOR EXISTING UTILITIES
- (c) SEE SITE PLAN FOR EXISTING LANDS
- (d) SEE SITE PLAN FOR EXISTING BUILDINGS
- (e) SEE SITE PLAN FOR EXISTING TREES
- (f) SEE SITE PLAN FOR EXISTING FENCES
- (g) SEE SITE PLAN FOR EXISTING SIGNAGE
- (h) SEE SITE PLAN FOR EXISTING UTILITIES
- (i) SEE SITE PLAN FOR EXISTING LANDS
- (j) SEE SITE PLAN FOR EXISTING BUILDINGS
- (k) SEE SITE PLAN FOR EXISTING TREES
- (l) SEE SITE PLAN FOR EXISTING FENCES
- (m) SEE SITE PLAN FOR EXISTING SIGNAGE

LAND USE

SITE AREA 6,164.24 m²
UNDEVELOPED AREA 2,310.00 m²
DEVELOPED AREA 3,854.24 m²
PARKING PROVIDED 10 SPACES
LOADING PROVIDED 2 SPACES
TOTAL PROVIDED 12 SPACES
COVERED 95%
UNCOVERED 5%
DATE 5 Sept. 4 Nov. 1980

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SURVEYED
ARE CORRECTLY SHOWN

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE RADY-PENTER & EDWARD SURVEYING LTD. TO PREPARE AND SUBMIT THIS
CONDOMINIUM DRAFT PLAN TO THE PLANNING DEPARTMENT OF THE REGIONAL MUNICIPALITY
OF HAMILTON-WENTWORTH FOR APPROVAL

DATE August 21, 1980
TADA DEVELOPMENTS LIMITED

FOR THE DEVELOPER
FOR THE CORPORATION

RADY-PENTER & EDWARD SURVEYING LTD.
1000 KENNEDY ROAD, SUITE 100
SCARBOROUGH, ONTARIO
M1T 3A5
PHONE (416) 291-1111





CITY COUNCIL
HAMILTON, CANADA

Alderman Brian Hinkley

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 572-7500 - WARD 3

February 28, 1991.

TO: Susan Reeder,
Secretary,
Planning and Development Committee.

FROM: Brian Hinkley,
Alderman, Ward 3.

FEB 28 1991

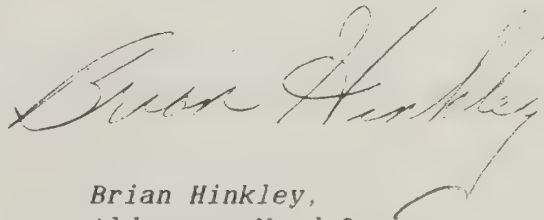
SUBJECT: ONTARIO HOME RENEWAL PROGRAMME - DISABLED
137 BIRGE STREET.

Please place the above matter on the **Agenda** of the **Planning and Development Committee Meeting** for March 20th.

I would like to appear before the Committee to discuss the above matter at 9:30 a.m.

Please arrange to have all the reports from the Loans Division of the Building Department and any other relevant information respecting this Application.

Your co-operation and assistance is very much appreciated.



Brian Hinkley,
Alderman, Ward 3.

BH:dd

c.c. Alderman Fred Lombardo - Chairman, Planning and Development Committee;
Don Drury - Alderman, Ward 3;
Otto Kinnunen - Contractor, 170 Grosvenor Avenue North, Hamilton, Ontario. L8L 7S8;
Gary Birch - Principal, Robert Land School, 460 Wentworth Street North, Hamilton, Ontario. L8L 5W8;
Jack Dorr - Property Standards Officer, Building Department, Inspection Department, City Hall;
J. H. Robinson - Co-ordinator of Housing Loans, Building Department, Loans Division, City Hall;
Gordon Simpson, 137 Birge Street, Hamilton, Ontario. L8L 3L6;
Bruce Carson, 334 Emerald Street North, Hamilton, Ontario. L8L 5L3.

CITY OF HAMILTON
- INFORMATION -

DATE: 1991 March 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: 137 Birge Street
Ontario Home Renewal Program^R

BACKGROUND:

The above-noted property has been the subject of an Ontario Home Renewal Program - Disabled application since 1988 April 26. Due to the long process involved, a chronological summary has been provided. Attached are the actions of the Loans and the Inspection Divisions pertaining to the property.

Also attached is correspondence explaining the events and history of the application. The attached letter dated 1991 February 22 from the Loans Division to G. Simpson provides the latest information on this matter.

PCL/LCK/dm
Encls.

SUMMARY OF INSPECTION DIVISION'S ACTIONS REGARDING

ONTARIO HOME RENEWAL PROGRAM 170 D

137 BIRGE STREET

On March 17th, 1989, this Department forwarded a Schedule "A" for an Ontario Home Renewal Program "D", application to the Department of Community Development. This inspection was completed and included a recommendation of Ms. J. Awrey Occupational Therapist to incorporate certain items to assist the occupants.

On May 15th, 1989 this Department reviewed estimates submitted and forwarded its recommendations to the Department of Community Development that the contract be awarded to T. Deehan Contracting.

On July 4th, 1989 we were informed of the Ministry of Housings approval of the loan application.

In January of 1990, because of lack of commencement of work, it was determined that it would be in the best interest of the applicants to award the job to a new contractor.

On January 5th, 1990 after reviewing an estimate, it was recommended to the Department of Community Development, that Steve's Renovations be awarded the contract.

On January 9th, 1990, on written request of Gordon Simpson, the contract was actually awarded to O. Kinnunen.

On June 5th, 1990 at the request of Mr. Simpson, the husband of the applicant, a site meeting was held with Inspector C. Hewitt, Mr. Simpson and Mr. Carson of the North End Tenants Association.

It was decided that a further meeting should be held with the contractor present to attempt to resolve the issues surrounding work on this contract.

On June 7th, 1990 a site meeting took place with Mr. Simpson, Inspector Hewitt and the contractor O. Kinnunen and after a general discussion, Mr. Kinnunen indicated that he wished to terminate this contract because of his differences with Mr. Simpson.

Mr. Kinnunen did not terminate his contract at this time, but carried on with the work.

On November 8th, 1990, a site visit was held with Inspector Hewitt, Mr. Simpson, Mrs. Simpson, Otto Kinnunen and Mr. Carson of the North End Tenants Association at which time some issues were resolved.

On January 23rd, 1991, Inspector Jack Dorr was requested to inspect the premises, view the work done and make every attempt to resolve the ongoing dispute. After making his inspection, Mr. Dorr contacted Mr. Kinnunen who agreed to deal with the outstanding items listed by Mr. Dorr.

On January 24th, 1991 Mr. Kinnunen attended at the site and further disagreement between himself and Mr. Simpson occurred.

On January 25th, 1991 Mr. Kinnunen informed Inspector Dorr he could no longer work under these conditions and wished to terminate his contract.

On February 12th, 1991 at the request of the Department of Community Development, Inspector Dorr prepared an estimate of the cost to complete the remainder of the work listed on the Schedule.

FILE SUMMARY

April 26, 1988 Date of Preliminary OHRP-D application.
Note: P.S. work completed under OHRP #2821 in April 14, 1987 being a \$7,500.00 loan.

May 20, 1988 Received Assessment letter from Hamilton-Wentworth Home Care.

June 6, 1988 Called Mr. Simpson to ask if Home-Care provided them with Assessment letter. They did. Advised owners to obtain two (2) estimates.

January 23, 1989 Called Mrs. Simpson regarding status of her obtaining estimates based on Home-Care' Assessment and to advise if there are any problems we will arrange a joint inspection.
Mrs. Simpson advised contractors have bid on work - she will remind them to submit estimates.

February 27, 1989 I received a call from Reg Carson of the Hamilton St. North Community Services. He advised the Simpson' cannot get contractors to bid on the work and if I could arrange a joint inspection.
Same day called Mr. Simpson to confirm my arranging joint inspection.

Requested joint inspection with Community Therapy Services and Building Inspector.

March 17, 1989 Building Department advised joint inspection completed and the estimate cost for required OHRP-D work is \$13,000.00.

March 28, 1989 Sent Schedule A to owner.

May 15, 1989 Building Department approved bid of Tim Deehan Contracting.

June 13, 1989 Letter sent to Ministry of Housing enclosing Parts II and III of final application for approval in the amount of \$10,725.00.

June 27, 1989 Letter received for Ministry of Housing advising Mr. & Mrs. Simpson application had been approved.

July 4, 1989 Letter sent to the Simpson' advising Ministry of Housing has approved their application and they can contact contractor to start the work.

August 23, 1989 Mrs. Simpson called to advise contractor, Tim Deehan Contracting is not returning their calls.

August 28, 1989 We contacted contractor. He was aware of owner's approval and will start work, when his schedule permits. We advised the Simpsons they could wait until Tim Deehan could start the work, or they could get another estimate. The Simpsons decided to wait.

November 7, 1989 We sent a letter to Tim Deehan giving him until November 17, 1989 to contact the Simpson as to when he can start the work or if he is no longer in business.
See Exhibit 1

Page 2

November 14, 1989 We received a phone call from Tim Deehan and he advised he would be starting the work before the end of the month

December 18, 1989 Received letter from Alderman Hinkley, enclosed letter from the Principal of Robert Land School.

December 21, 1989 We called the Simpson and gave them names of two (2) additional contractors being Steve's Renovations and Otto Kinnunen in order to obtain new estimates. We then called the contractors advised them the Simpson would be calling.

December 27, 1989 Our reply to Alderman Hinkley.
See Exhibit II

January 5, 1990 Steve's Renovation estimate was received and approved by Building Department in the amount of \$13,003.00

January 7, 1990 Simpsons provided estimate from Otto Kinnunen in the amount of \$11,030.00 and attached to the estimate was a note stating the Simpson's preferred Otto Kinnunen to do the work. Otto Kinnunen's estimate was the lower bid and therefore approved. Called Steve's Renovation and advised same.

January 12, 1990 Simpsons signed revised documentation.

January 15, 1990 We sent memo to Alderman Hinkley advising status; Otto Kinnunen's estimate acceptable and he can start work shortly. Otto Kinnunen gave a verbal start date of January 31, 1990 and no later than February 14, 1990.
See Exhibit III

January 24, 1990 Ministry of Housing acknowledging receipt of Part III.

March 9, 1990 We called Otto Kinnunen regarding status. Mrs. Kinnunen advised attempts were made to start work on February 17 and March 8, 1990 but Mr. Simpson did not want the work done as described in Schedule A. Otto Kinnunen advised he wanted to cancel his bid. I spoke to Mr. Simpson and he asked me to call Mr. Kinnunen and have him start the work.

June 8, 1990 Otto Kinnunen advised he would start the work.

October 25, 1990 Received letter from Simpson enclosing a copy of their letter addressed to Otto Kinnunen. Simpson giving Otto Kinnunen until November 20, to complete the work.

October 31, 1990 I called Inspector asking him to have an on site meeting with Otto Kinnunen and the Simpson. I then arranged the meeting for November 8, 1990.

Page 3

November 1, 1990 Received phone call from Mrs. Kinnunen. Simpson's not pleased with kitchen cabinets.

November 2, 1990 Our letter to Alderman Hinkley advising status.
See Exhibit IV

November 8, 1990 Date of on site meeting at Simpson's residence. Present Charlie Hewitt, Otto Kinnunen, and Mr. & Mrs. Simpson.

January 28, 1991 Memo received from Jack Dorr regarding status.

January 31, 1991 Otto Kinnunen submitted estimates for extra requirements.
Building reported extra not valid.

February 12, 1991 Memo received from Jack Dorr listing incomplete items.

February 14, 1991 Unable to contact Simpson.

February 18, 1991 Called Simpson advising incomplete items and payment due to Otto Kinnunen for work completed in the amount of \$9,160.00

February 19, 1991 Made arrangements to attend Simpson's on Monday, February 25, 1991 residence so cheque could be endorsed.

February 25, 1991 Attended Simpson's residence;
a) with hand delivered letter clarifying the Department position with regards to progress payment
b) City cheque made payable to contractor and owner for Simpson's to endorse
c) addendum to Schedule A
See Exhibit V
Memo to file outlining details of on site meeting.

February 28, 1991 Otto Kinnunen attended our office to pick up cheque in the amount of \$9,160.00. We received his invoice showing payment in full for work completed.
See Exhibit VI

March 5, 1991 Memo received for Jack Dorr listing discrepancies in items found incomplete based on letter dated February 22, 1991 addressed to the Simpson's.

March 6, 1991 Sent Mr. Simpson's copy of Otto Kinnunen's invoice as he requested.
Awaiting estimates from Simpson's to complete work.

March 8, 1991 Received call from contractor explained what we wanted regarding corrections and referred him to inspector, Jack Dorr.
Present
Awaiting price estimate.



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

OHRP-D 170
OHRP 2821

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4
TEL. 526-4540

1989 November 07

Tim Deehan Contracting
29 Edgemont St. N.
HAMILTON, Ontario
L8H 4C7

Dear Mr. Deehan:

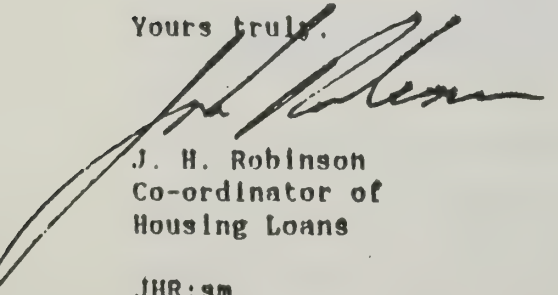
Re: Ontario Home Renewal Programme - Disabled
137 Birge Street: Mr. & Mrs. G. Simpson

The Department of Community Development and the owners have attempted to contact you on several occasions concerning a date that you will commence the rehabilitation work required at the subject address. The phone numbers which we have on file have been disconnected. We ask that you contact the Simpson's immediately in order to provide them a start date.

We also ask that you contact this office with a new number. If we have not heard from you by November 17, 1989, we will assume that you are no longer in business, and we will advise the Simpsons to obtain the estimates from another contractor.

If additional information is necessary, please do not hesitate to contact the undersigned.

Yours truly,


J. H. Robinson
Co-ordinator of
Housing Loans

JHR:gm

Called and advised would start before end of month. 14 Nov 89

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO.

800-0300.10
YOUR FILE NO. D 170

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 5T4

DATE: 1989 December 27

MEMO TO: Alderman B. Hinkley
Alderman, Ward 3

FROM: Mr. E. W. Kowalski

SUBJECT: Ontario Home Renewal Programme - Disabled
137 Birge Street; Mr. & Mrs. G. Simpson

The Department of Community Development would like to thank you for bringing a situation which we thought had been resolved to our attention. A final loan application for Mr. & Mrs. Simpson in the amount of \$10,725. was approved 1989 July 4, and the contractor was sent a copy of the approval letter.

In late August, the Simpsons's contacted this office and advised that they had been unable to contact the contractor about starting the work. On the 28th of August we advised the Simpsons that they could wait until Tim Dechan could start the work, or they could get another estimate. The Simpsons decided at that time to wait. We were again contacted by the Simpson's in early November, and we subsequently sent a letter to the contractor on 1989 November 7. A copy of this letter is attached. We received a phone call from T. Dechan on 1989 November 14, and he advised that he would be starting before the end of the month. We therefore assumed the job was on track until your letter of 1989 December 18.

On 1989 December 21, we called the Simpsons and gave them the names of two (2) additional contractors to call, in order to get a new estimate. We then took the liberty of calling the contractors and advising them that the Simpsons would be calling. The contractors indicated they would be down early in the new year. Once an estimate has been received by the department, work should be able to start within the week as approval from the Ministry of Housing has already been received.

We regret the unusual delays that the Simpsons have had to endure, but under the circumstances there is little else this Department could have done.

E. Kowalski

Director

EWK:JHR:mg

Encl

c.c. Mr. G. Birch, Principal, Robert Land School
Mr. & Mrs. G. Simpson
Ms. Karen Johnson, Occupational Therapist
Ms. Cathi Bodden, School Nurse

E. W. KOWALSKI
DIRECTOR

MEMORANDUM

REFER TO FILE NO.

YOUR FILE NO. D 170

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

DATE: 1990 January 15

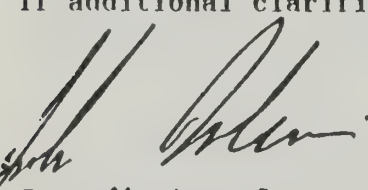
MEMO TO: Alderman B. Hinkley
Alderman, Ward Three

FROM: Mr. J. H. Robinson

SUBJECT: Ontario Home Renewal Programme - Disabled
137 Birge Street; Mr. & Mrs. G. Simpson

Further to our memo of 1989 December 27, the Department of Community Development wishes to advise that a new acceptable estimate has been obtained from O. Kinnunen. We have been assured by the contractor that the work will commence shortly. The Simpson's have made the necessary changes and we do not anticipate any further delays.

If additional clarification is required please contact the undersigned.


Co-ordinator of
Housing Loans

JHR:mg

c.c.: Mr. G. Birch, Principal, Robert Land School
Mr. & Mrs. G. Simpson
Ms. Karen Johnson, Occupational Therapist
Ms. Cathi Bodden, School Nurse

MEMORANDUM

YOUR FILE NO.
OHRP-D 170

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

DATE: 1990 November 2

MEMO TO: Alderman B. Hinkley

FROM: Mr. J. H. Robinson

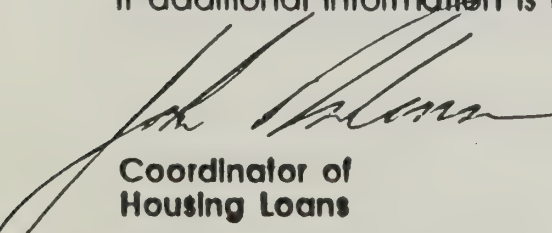
SUBJECT: Ontario Home Renewal Programme - Disabled
Mr. & Mrs. Simpson; 137 Birge Street, Hamilton

The Department would like to provide the following information regarding the subject loan application:

We have been aware of the problems between the owner and the contractor for the past few weeks and it was at our suggestion that the letter to Mr. Kinnunen be sent by the Simpsons. Unfortunately, problems with this application occurred very early in the loan process long before a contract was awarded. We have found that Mr. Simpson has been very difficult, and at times very unreasonable. However, his concerns regarding the length of time it has taken to complete the job by the contractor are in fact valid.

A meeting has been tentatively arranged for 1990 November 8 at the Simpson's residence with the inspector and the contractor. It is hoped that a acceptable time-table for completing the remaining work can be arranged. If an agreement cannot be reached, we will ask the contractor to submit a bill for work completed and a new contractor will be requested to bid. The original contractor will not receive any money until all the work is done, and only if there are funds remaining. It should be noted that no advances have been made on this project. We also wish to advise that normally Mr. Otto Kinnunen is a very reliable contractor and we have never experienced similar problems on any other jobs.

If additional information is required, please contact the undersigned.



Coordinator of
Housing Loans

JHR:mg
cc. Mr. C. Hewitt



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT
Loans Division

General Inquiries: (416) 546-4540
Fax: (416) 546-4554

HAND DELIVERED

1991 February 22

OHRP-D 170

Gordon Simpson
137 Birge Street
Hamilton, Ontario
L8L 3L6

Dear Sir

Re: Progress Payment
137 Birge Street

At the request of Alderman B. Hinkley, the undersigned is writing to clarify the Department's position in regards to the processing of a Progress Payment under the Provincial Government's Ontario Home Renewal Programme-Disabled.

The final grant application was signed June 13, 1989 and a grant of \$11,130.00 was subsequently confirmed. The low bidder O. Kinnunen was approved by both the City and yourself to undertake the necessary work. Initially Mr. Kinnunen was reluctant to do the work but after some discussion agreed to proceed. Since that time the City has visited the site on numerous occasions and held discussions with you and the contractor regarding problems relating the work to be undertaken as well as the relationship between you and Mr. Kinnunen. Recently the situation has reached an impasse where agreement cannot be reached and the contractor has requested that he not be forced to continue. In view of the controversy it was decided that every effort should be made to terminate the present contract.

In order to facilitate this action we have asked the Inspector, to outline those items which have not been completed along with an estimate of the cost to complete those items. This visit was subsequently completed and the list of unfinished items is attached. The Department has requisitioned a cheque in the amount of \$9,160.00 in the names of yourself and Mr. Kinnunen. The Department upon receiving your signature on the cheque will obtain from the contractor a receipt indicating payment in full. This will legally protect you from any further claims from Mr. Kinnunen and allow you to obtain an estimate to complete the work as per the attached requirements. Once you have obtained this additional estimate, please submit it to this office for approval. The Inspector has indicated that the remaining \$1,870.00 for Kinnunen's contract will be sufficient to complete the work.

.....2

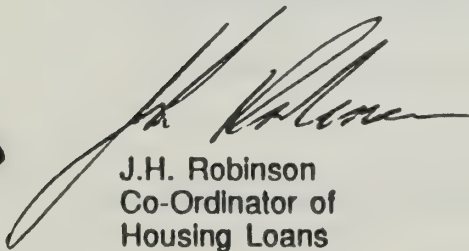
The conversations held with Mrs. Kay of this office were simply stating what would happen should you refuse to sign over the cheque to the contractor for work completed and approved for payment. The contractor, in order to protect his interests would be forced to Register a Lien on Title. Once this was done the City would be unable to process any payments or have any work finished or corrected before decisions had been reached by the courts. If required, the City would also have to testify that the majority of work was completed and the contractor was entitled to money.

The end results would be a lengthy delay, additional costs (at your expense) and a situation where the work was still not complete. We have found that in similar cases it is better to pay the contractor what he is owed and have the work completed by another contractor.

The Loans Division is of the opinion that it is in everyone's best interests to resolve the problems as quickly as possible and by taking the recommended action we feel this can be accomplished.

If additional clarification is needed please contact the undersigned.

Yours very truly

A handwritten signature in black ink, appearing to read 'J.H. Robinson', is written over the typed name and title.

J.H. Robinson
Co-Ordinator of
Housing Loans

JHR/eea
attached

c.c. Alderman Hinkley
Otto Kinnunen, Contractor
Gary Birch, Principal, Robert Land School
Jack Dorr, Property Standards Officer

ADDENDUM SCHEDULE "A"

Items not done or Incomplete

1. Kitchen

- a) Remove existing kitchen window over sink area.

Supply and install new medium quality C.M.H.C. approved prepainted aluminum window with upper 2/3's area fixed glass and bottom 1/3 a side sliding unit. Make good all areas inside and out.

NOTE: In the alteration of the kitchen cupboards, wherever the interior walls are exposed, insulation is to be installed to as great a depth as the existing will allow. Make good all wall and floor areas as required.

2. Interior Handrails

Supply and install approximately 12" below the existing handrail to the 2nd floor and additional small profile handrail from bottom to upper landing. In addition, supply and install two (2) piece lowered handrail from upper landing to upper hall (same side).

NOTE: Exact height may be adjusted to conform to the owner at time of installation.

3. Bathroom

- a) Supply and install a 16" grab bar beside the new bathtub and a 12" grab bar beside the existing water-closet.
- b) Construct a hinged to the wall step which will drop down in front of the water-closet. The step will be hooked back to the wall when not in use.
- c) Extend the existing towel cupboard sideways as far as possible to enlarge same for additional storage.

4. Rear Bedroom

Lower the clothes rod to a height of 4'0" off the floor.

5. Front Porch - Handrails

- a) Weld-in place to the existing west side handrail an intermediate height handrail. Exact height to be established with the users.

Please obtain estimate of one contractor and submit to Mr. J.H. Robinson, Co-Ordinator of Housing Loans, c/o Community Development, 71 Main St. West, Hamilton, Ontario L8N 3T4.



The Corporation of The City of Hamilton

HAMILTON, ONTARIO

CHEQUE NO

142354

142354

91 02 22 *****9,160.00***

CANADIAN IMPERIAL
BANK OF COMMERCE KING AND JAMES STREETS, HAMILTON, ONTARIO

THE CORPORATION OF THE CITY OF HAMILTON

PAY
TO

GORDON SIMPSON/OTTOKINNUNEN
137 BIRGE STREET
HAMILTON, ONTARIO
L8L 3L6

BY

E. L. Hawkes
TREASURER

BY

Robert Morrow
MAYOR

⑈0142354⑈ ⑆000620010⑆ 00⑈01902⑈

Walter J. Simpson

Tel. 545 7060

TOTAL



CITY COUNCIL
HAMILTON, CANADA

2.
Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

1991 March 12

M E M O R A N D U M

TO: Chairman and Members of
the Planning and Development Committee

FROM: Alderman Don Drury

RE: RESOLUTION - TENANT PROTECTION

Please note the attached series of correspondence between the Minister of Municipal Affairs Dave Cooke and myself concerning the issue of tenant protection.

The Minister has suggested that "it would be more appropriate for me to discuss it with Mayor Morrow and a delegation from your council, rather than to meet separately with individual council members."

In view of the fact that at least this Minister has chosen to meet with official delegations as opposed to individual councillors, I would be most appreciative if the Committee would endorse a resolution instructing me to meet with either the Minister or his designated official to discuss the rationale behind our resolution. As you can well notice from my letter to the Minister, I was fully expecting to meet with one of his officials rather than take up the Minister's valuable time.

I would be most appreciative of your support.


DD:jf

Attach.



Office of the
Minister

Bureau du
ministre

Ministry of
Municipal
Affairs

Ministère des
Affaires
municipales

777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
Toronto (Ontario)
M5G 2E5
(416)585-7000

February 28, 1991

Mr. Don Drury
Alderman, Ward 3
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Drury:

Thank you for your letter of January 2, 1991
enclosing the City of Hamilton Council's resolution
regarding landlords' financial compensation to
tenants who are forced to vacate illegal dwelling
units.

Mayor Robert Morrow has also written to me on this
matter. As it is an issue which is supported by your
council, it would be more appropriate for me to
discuss it with Mayor Morrow and a delegation from
your council, rather than to meet separately with
individual council members.

I appreciate you bringing your concerns to my
attention.

Sincerely,

Dave Cooke
Minister
M.P.P., Windsor-Riverside



CITY COUNCIL
HAMILTON, CANADA

Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

1991 January 2

Honourable Dave Cooke
Minister of Municipal Affairs and
Minister of Housing
10th Floor, 777 Bay Street
Toronto, Ontario
M5G 2E1

Dear Mr. Minister:

I am contacting you with regard to the attached resolution passed unanimously by the City of Hamilton calling upon the Provincial Government to implement legislation concerning the protection of tenants in situations where they are living in "illegal" dwelling units. I also note that many of your colleagues including the Premier of Ontario and the Minister of Labour have forwarded the resolution onto your office for your consideration.

As the original proponent of the scheme, I would like to have an opportunity to meet with either yourself or a member of your staff to discuss the issue in depth.

In the City of Hamilton such a law would have a positive effect on literally thousands of tenants. Many of the tenants who live in "illegal" units are currently afraid to report violations of health, safety and fire regulations for fear of being turfed onto the street with no place to live. In addition, they would undergo severe financial hardship in relocating and finding suitable living quarters. Concurrently, the City's Building Inspectors are under tremendous pressure from citizens regarding the overintensification of existing neighbourhoods through the "illegal" conversion of houses into triplexes, quads, etc.

I would be most appreciative in hearing from your office in the very near future.

Sincerely,

Don Drury
Alderman, Ward 3

ROBERT M. MORROW
MAYOR



ALDERMAN D. DRURY

NOV 10 1990

1990 November 6th

The Honourable Bob Rae, M.P.P.
Premier of Ontario
Legislative Building
Queen's Park
Room 281
Toronto, Ontario
M7A 1A1

Dear Premier:

The City of Hamilton at a recent City Council meeting held on Tuesday, 1990 October 30th expressed their concerns with respect to reconversions of illegal triplexes, etc. into single family or duplexes, etc., by approving the following recommendation:

- (a) That the City of Hamilton request the Province of Ontario to amend the appropriate Act or Acts to make provision for the payment of monies by landlords to tenants who are forced to vacate their dwelling unit due to an order from a Municipality, the Ontario Municipal Board or Judicial Body resulting from the landlord's illegal creation of an apartment; and,
- (b) That the payments recognize the costs incurred by the tenants for relocation and temporary accommodation.

Your consideration of City Council's recommendation is most appreciated.

Yours very truly,

Bob

Robert M. Morrow
Mayor

c.c.- All members of City Council

- Mr. L. Sage, Chief Administrative Officer
- Ms. Patrice Noé Johnson, City Solicitor
- Mr. L. King, Building Commissioner
- Mr. A. Georgieff, Director of Local Planning
- Mr. E. Matthews, City Treasurer
- City Clerk's File
- Mrs. Susan K. Reeder, Secretary
- Planning and Development Committee

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 12

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

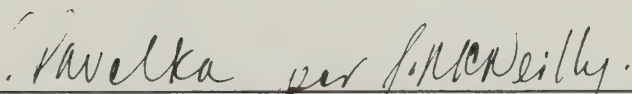
FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Central/Beasley Programme for Renewal, Improvement,
Development and Economic Revitalization (P.R.I.D.E.),
Community Improvement Plan (C.I.P.)

RECOMMENDATION:

Subject to a Public Meeting to be held on 1991 April 08 at 7:00 p.m. in City Hall to receive citizens' input and, that no substantive changes are made to the Community Improvement Plan:

- a) That the Community Improvement Plan for the Central/Beasley Neighbourhood, attached hereto as Appendix 'A', be approved in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
- c) That the Mayor and City Clerk be hereby authorized to sign, on behalf of the City Corporation, the Provincial/Municipal Agreement pursuant to which P.R.I.D.E. will be implemented in the Central/Beasley Neighbourhood.



Mr. J. Pavelka, P.Eng. Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The total cost of the Central/Beasley P.R.I.D.E. Programme is six hundred and twenty-seven thousand dollars (\$627,000.) (50% Municipal and 50% Provincial) which was financed as part of the 1990-1994 Capital Budget from the Reserve for Capital Projects. (Account Centre No. CF 42900 2003)

BACKGROUND:

Since September 1990, the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization Citizens' Advisory Committee, in-house staff meetings have been held to draft the Community Improvement Plan for Central/Beasley. The Plan is necessary to implement the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization. In response to the requirement of the Ministry of Municipal Affairs to be eligible for their 50/50 funds, this plan should be approved by the Planning and Development Committee in March 1991. Ministry staff have requested that we proceed quickly with proper approvals in order to submit the approved Community Improvement Plan to them. Thus, we are forwarding this report prior to, but subject to, the Public Meeting.

c: Ms. P. Noe Johnson, City Solicitor
Law Department

DRAFT

A

CENTRAL/BEASLEY

COMMUNITY IMPROVEMENT PLAN

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1990 DECEMBER

TABLE OF CONTENTS

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A) Introduction to the Community Improvement Plan	1
B) Neighbourhood Profile	1
C) Community Improvement Plan	3
D) Implementation Process/Schedule	5
E) Conclusion	6

SCHEDULES

- "A" Central/Beasley P.R.I.D.E. Community Improvement Project Area Map**
- "B" Neighbourhood(s) Zoning Map**
- "C" Neighbourhood(s) Land Use Map**

CENTRAL/BEASLEY COMMUNITY IMPROVEMENT PLAN

Introduction to the Community Improvement Plan

On 1989 December 01, at the request of Hamilton City Council, the Department of Community Development applied for Provincial funding for the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for the Central/Beasley Neighbourhood. Subsequently, a letter dated 1990 July 04, from the Honourable John Sweeney, Minister of Municipal Affairs, approved a Provincial contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.). This will be matched by a contribution of three hundred and thirteen thousand, five hundred dollars (\$313,500.) from the City of Hamilton, for a total of six hundred and twenty-seven thousand dollars (\$627,000.) to address residential concerns.

In 1990 December, a Neighbourhood Advisory Committee was established by both election and appointment at a public meeting, for the purpose of obtaining public input in order to draft this Community Improvement Plan. As well, a survey of the neighbourhood residents was administered and staff input given during the plan formulation.

The provision of neighbourhood services is essential to the well-being of residents, business and industry in the area and surrounding communities. These services include parks, recreational and social programmes, schools, hard services (such as roads, lighting improvements, streetscaping) and buffering.

Parkland provides opportunity for both spontaneous and programmed forms of recreation for all age groups. It is desirable to provide parkland within walking distance of all residents.

Also, institutional uses such as schools and meeting halls serve as focal points for community participation in the neighbourhood.

This Community Improvement Plan conforms with the City of Hamilton's Official Plan (Sub-Section D.10 - Community Improvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74, the Central and Beasley Neighbourhood Plans.

Neighbourhood Profile

The Central and Beasley Neighbourhoods comprise approximately 223 hectares in Hamilton's Central Business District with a total population of approximately 9000 persons (1988 Population Statistics). These adjacent neighbourhoods are bounded by the Canadian National Railway to the north, Main Street to the south, Wellington Street in the east and Queen Street in the west.

Central and Beasley Neighbourhoods contain a wide variety of land uses (1987 Land Use Characteristics) including residential (40%), commercial (23%), industrial (12%), open space (4%), institutional (8%), and other, such as transportation, communication, utilities and parking (13%).

The Community Improvement Project Area for Central/Beasley (hereafter referred to as the Central/Beasley Neighbourhood for purposes of this plan) is made up of only part of these two neighbourhoods. Approximately 75% of Beasley and 30% of Central are included (see location map). Portions have been excluded due to involvement in other Improvement Plans such as the Downtown Action Plan.

Housing in Central/Beasley is mixed with single family homes, multi-unit homes, row housing, low rise and high rise apartments, and some newer townhouses. Being in the downtown core, the housing in Central/Beasley can be characterized as being some of the oldest in the City. Approximately 65% of the residential units were constructed prior to 1900, 32% between 1901 and 1940, and only 3% between 1940 and the present.

Commercial uses are concentrated mainly on the major arterial roads such as Wilson, Cannon, Barton, Wellington, York Boulevard, and Bay Streets. Again, being in the Central Area, mixed commercial/residential uses are abundant, even on the non-arterial streets.

Industrial uses are limited mainly to the northerly area of the Central/Beasley Neighbourhood. This can be attributed to the Canadian National Railway which is the northerly boundary of both Central and Beasley Neighbourhoods.

There are two schools in the Community Improvement Project area. St. Mary's Elementary School is under the jurisdiction of the Hamilton-Wentworth Roman Catholic School Board Separate School System. The Dr. J. Edgar Public School is the responsibility of the Hamilton Board of Education Public School System. The latter provides the potential for development in conjunction with the adjacent Beasley Neighbourhood Priority One Park.

Land use in Central/Beasley is regulated by zoning by-laws which are controlled by the City of Hamilton Official Plan, Central and Beasley approved Neighbourhood Plans and related policies. Both the Central and Beasley Neighbourhood Plans were adopted by City Council in 1973. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. The Beasley Priority One Park, adjacent to the Dr. J. Edgar Davey Public School, is identified in the Beasley Neighbourhood Plan.

As well, the Central/Beasley Neighbourhood falls within the boundaries of the Central Area Plan, which is a document adopted by City Council in 1988 providing policy directions for the Central Area. It encourages balanced growth through guidelines for residential, commercial, institutional, industrial, recreation and cultural land use.

Very little parkland is available in Central/Beasley for use by its residents and workers. Areas for both active and passive recreation such as baseball, football, tennis, and skating, or picnicking, relaxing, and sunbathing would greatly improve the quality of life in the Neighbourhood.

The Central/Beasley Neighbourhood is an older mixed use area in need of upgrading to enhance its social, recreational, commercial, and industrial facilities.

COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

Goals - what the neighbourhood would like to ultimately obtain

Objectives - the steps the neighbourhood will take to achieve the goals

Actions - what the neighbourhood will implement in order to achieve the objectives

GOAL ONE

Develop Public Awareness as to Neighbourhood Needs

Objective 1.1 Create an effective Neighbourhood Association to identify problems and address same.

Action 1.1.1 For the Central/Beasley P.R.I.D.E. Citizens Advisory Committee to carry on and follow through on Objective 1.1, once the P.R.I.D.E. process has been completed.

Action 1.1.2 For the Neighbourhood Association to elect a President.

Objective 1.2 Create an understanding of local government procedure.

Action 1.2.1 The Citizens Advisory Committee actively take a role in reviewing neighbourhood concerns that cannot be addressed by the P.R.I.D.E. process.

GOAL TWO

Develop High Quality Recreation Services

Objective 2.1 Improvements to existing parks and facilities.

Action 2.1.1 Rehabilitate Beasley Park.

Action 2.1.2 Neighbourhood Association submit request to Parks Maintenance to review maintenance programs (for entire area as well).

Objective 2.2 Create new recreational facilities.

Action 2.2.1 Expand Beasley Park to the northeast.

Action 2.2.2 Neighbourhood Association request feasibility study for building Community Recreation Centre onto Davey School.

Action 2.2.3 Build passive park behind 195 Elgin (Cancord Inc.)

Objective 2.3 Improve accessibility to existing recreational facilities.

Action 2.3.1 Crosswalk across John Street between Robert and Cannon to access McClaren Park.

GOAL THREE

Increase Public Safety

Objective 3.1 Reduce crime in the neighbourhood.

Action 3.1.1 Neighbourhood Association works with local authorities in identifying concerns.

Action 3.1.2 Police be invited to make presentation to the Neighbourhood Association about various programs (i.e. Crime Stoppers, Business Watch, etc.).

Objective 3.2 Improve the walking conditions in the neighbourhood.

Action 3.2.1 St. Mary's pathway improvements (i.e. lights, aesthetics).

Action 3.2.2 Neighbourhood Association identify sidewalk improvement areas and review same with Regional Engineering.

Action 3.2.3 Neighbourhood Association identify areas in need of improved lighting (sidewalks, alleyways, parking lots) and review same with Hamilton Hydro Electric Systems.

Objective 3.3 Improve on-street parking.

Action 3.3.1 Neighbourhood Association identify problem areas and review same with the Traffic Department and the Parking Authority.

GOAL FOUR

Better Overall Health of the Community

Objective 4.1 Improve accessibility to existing social service agencies in the area.

Action 4.1.1 Streetscaping Improvements to social service agencies.

Action 4.1.2 Provide housing loans information to social service agencies for the encouragement to rehabilitate their facilities and provide better services.

Action 4.1.3 Encourage social service agencies to work with newly developed community services.

Objective 4.2 Improve the environmental quality of the neighbourhood.

Action 4.2.1 Neighbourhood Association request Ministry of the Environment most recent report with respect to air quality.

Action 4.2.2 Neighbourhood Association identify litter problem areas and review same with the Department of Public Works.

Action 4.2.3 Neighbourhood Association contact Keep Hamilton Clean Committee for input.

Objective 4.3 Improve general information and referral services in the area.

Action 4.3.1 Neighbourhood Association request that local agencies make presentation of services provided.

Action 4.3.2 Neighbourhood Association distribute 4.3.1 information to the community (i.e. newsletter).

D) IMPLEMENTATION PROCESS/SCHEDULE

Implementation of the Central/Beasley P.R.I.D.E. Programme will occur from 1991-1993. The total cost of this project will be six hundred and twenty-seven thousand dollars (\$627,000.) where the contributions are 50% Municipal and 50% Provincial.

Improvements will include park development and rehabilitation, social services accessibility, parking lot buffering and lighting improvements.

Design Consultant site plans will be presented to the Public in the Spring of 1991 after review with staff and the Citizens Advisory Committee and construction will proceed in the Fall of 1991.

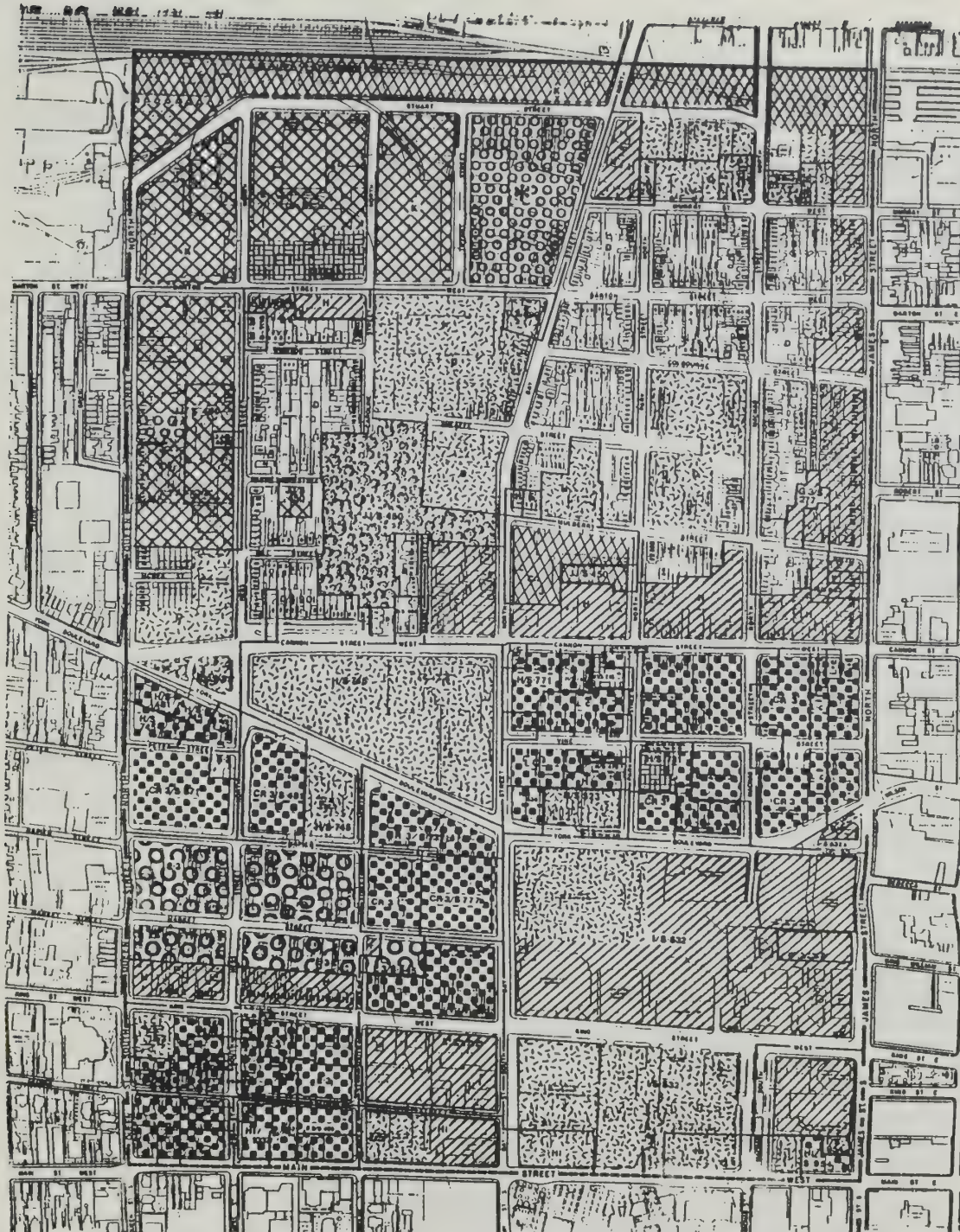
Non-P.R.I.D.E. Identified concerns will be addressed by the Citizens Advisory Committee/ Neighbourhood Association, with the support of Municipal staff.

E) CONCLUSION

The City of Hamilton has grown and developed rapidly over the past few years. With this change arises the need for community improvement, specifically within the Central/Beasley P.R.I.D.E. area. Both Hamilton City Council and the public acknowledge the significance of redevelopment and rebuilding which will enable this neighbourhood to maintain and grow in it's future viability.

With tempered accomplishments through the Central/Beasley P.R.I.D.E. we hope to augment the excellence of life, improve recreation, health and safety amenities to this, the oldest neighbourhood within the City.

Finally, it is hoped that this P.R.I.D.E. process will help to develop a neighbourhood strength and pride to continue on with the betterment of all who live in this neighbourhood.



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

- * **PROPOSED SPECIAL POLICIES FOR DEVELOPMENT**
 ON NORTH AND WEST PERIMETER OF THE BLOCK
 -ORIENTATION OF UNITS TOWARDS
 THE INSIDE OF THE SITE
 -ROW FORM OF HOUSING
 -SUBJECT TO NOISE STUDY AND
 DECOMMISSIONING PLAN
 -AIR CONDITIONING

All Lands Within This Neighbourhood is Subject
 To Site Plan Control By Law No. 90-285.

EXISTING POPULATION (1985) 3647

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**
- COMMERCIAL & INDUSTRIAL**

Neighbourhood Boundary
 Zoning Boundary

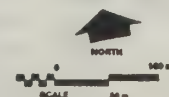
Approved

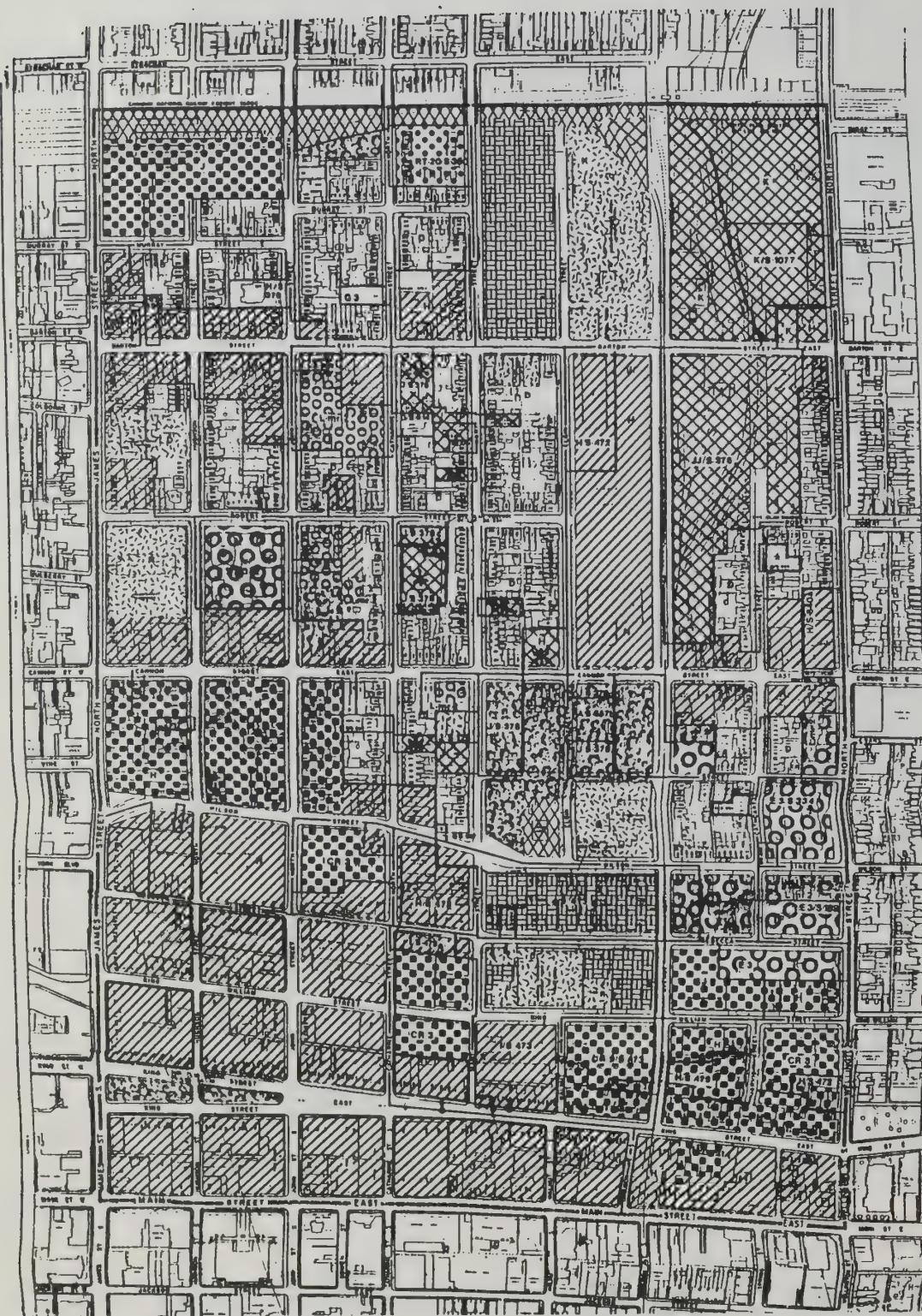
Planning Committee MAP. L1873 Council JUNE 12, 1973

Latest Revision Date NOV. 13, 1990

CITY OF HAMILTON
 PLANNING DEPARTMENT

CENTRAL
APPROVED PLAN





NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

★ Temporary Parking
(See Zoning Application 83-73)

* Future Uses On The Site May Be Industrial, Commercial Or Residential In Accordance With The Central Area Plan Performance Standards.

All Lands Within This Neighbourhood is Subject To Site Plan Control By-Law No. 90-285.

LAND USE RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- HIGH DENSITY

--- Neighbourhood Boundary
--- Zoning Boundary

Approved
Planning Committee June 11, 1973 Council Dec. 27, 1973
Latest Revision Date JAN. 1980

CITY OF HAMILTON
PLANNING DEPARTMENT

REASLEY
APPROVED PLAN



Schedule 'C'



All Lands Within This Neighbourhood is Subject
To Site Plan Control By-law No. 80-285.

<table border="1"> <tr> <td>107</td> <td>106</td> <td>88</td> </tr> <tr> <td>21</td> <td>10</td> <td>96</td> </tr> <tr> <td>41</td> <td>31</td> <td>126</td> </tr> </table> <p>This is not a Legal Document For Zoning Verification Please Contact City Building Department</p> <p>Neighbourhood Boundary Zoning Boundary</p> <p>Prepared by: City of Hamilton</p>	107	106	88	21	10	96	41	31	126	<p>CITY OF HAMILTON</p> <p>BEASLEY</p> <p>ZONING</p> <p>SCALE 1:10,000</p>
107	106	88								
21	10	96								
41	31	126								

Schedule 'B'



All Lands Within This Neighbourhood Is Subject
To Site Plan Control By-law No. 90-285.

40	107	106
127	21	10
92	41	31

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
By the Planning and Development Department
of the Regional Municipality of Hamilton Wentworth

CITY OF HAMILTON

CENTRAL
ZONING

SCALE 50m

JANUARY 1990

0704

21

schedule 'B'



Schedule 'A'

CITY OF HAMILTON
CENTRAL BEASLEY

P.R.D.L.



CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1991 March 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

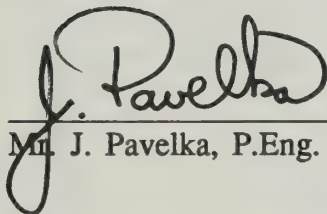
SUBJECT: Anti-Recession PRIDE Allocation

RECOMMENDATION:

- a) That the Community Renewal Section of the Public Works Department be authorized to advise the Ministry of Municipal Affairs of our intention to utilize the Anti-Recession PRIDE allocation of \$400,000. to be matched by a Municipal contribution of \$400,000.; and,

NOTE: This allocation is being offered by the Ministry of Municipal Affairs over and above any other applications the City may have made for funding.

- b) That the City's portion of the Programme be financed through existing budgets such that no additional financing be required; and,
- c) That the Anti-Recession PRIDE funds be allocated for use within existing Community Improvement Project Areas and Redevelopment Areas previously designated under the Planning Act; and,
- d) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Programme.



Mr. J. Pavelka, P.Eng. Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The total project cost is \$800,000., \$400,000. from the Ministry of Municipal Affairs and \$400,000. from the City. The City's portion can be funded through existing 1991 budgets such that no additional financing is required.

BACKGROUND:

On 1991 February 28, the City of Hamilton received an announcement from the Honourable David Cooke, Minister of Municipal Affairs, advising that the City of Hamilton had been chosen to receive an allocation under the newly announced Anti-Recession Initiative. Stipulations for expenditure include:

1. The City's share of \$400,000. must be financed in the current year
2. A Provincial/Municipal Agreement must be executed
3. All funds must be spent within existing Community Improvement Project areas and Redevelopment Areas as defined by the Planning Act. (see attached map)
4. All projects must be completed by 1992 January 31
5. Construction must start within six months
6. All regulatory and planning approvals must be in place
7. Projects must meet the usual requirements of the PRIDE Programme

We are suggesting a number of uses for these funds given the stipulations above:

1. Enhancement of the City's Road and Sidewalk Reconstruction Programme
2. Additional wheelchair ramp retrofitting throughout the lower City
3. Tree planting and tree grate installation

All of these projects are labour intensive and therefore assist directly in providing jobs and offsetting layoffs in the local labour market. After review with various staff and sub-committees regarding areas of potential improvement, we will be reporting back to the committee with proposed projects.

cc: Ms. T. Agnello, Secretary
Transport and Environment Committee

Ms. P. Noe Johnson, City Solicitor

Mr. E. Matthews, City Treasurer

Mr. L. Sage, C.A.O.

-AREAS-

100



AND NUMBER REFERENCE

CITY OF HAMILTON
- RECOMMENDATION -

5.

DATE: 1991 March 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

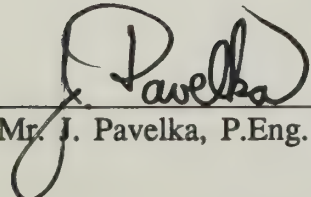
FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Phase IV of the Downtown Hamilton Action Plan,
Implementation of Sanitation Study Recommendations;
Public Service Announcement (P.S.A.) II

RECOMMENDATION:

- a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Phase IV Downtown Action Plan, Public Service Announcement (P.S.A.) Competition:
 - 1) First prize - Ms. Vera Mitropoulos, production of "Community" - \$700.
 - 2) Second prize - Ms. Barb Forsyth, production of "Litter" - for technical merit - \$500.; and,
- b) That a \$700. donation be given to the Television Broadcasting Programme of Mohawk College of Applied Arts and Technology for the use of equipment and materials during the preparation of submissions for the Public Service Announcement Competition; and,
- c) That the prizes referenced in (a) above be presented to the winners at City Council on 1991 March 26 by Mayor R. Morrow and Alderman B. Hinkley, Chairman of the Keep Hamilton Clean Committee.

NOTE: Since the winning P.S.A. is scheduled to be released to coincide with Pitch-In Week 1991 May 06-12 it is critical that the awards be distributed at the 1991 March 26 City Council.



Mr. J. Pavelka, P.Eng. Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Hamilton Action Plan Account No. CF 5698 428803006.

BACKGROUND:

On 1988 December 01, City Council approved Phase IV of the Downtown Hamilton Action Plan: the Sanitation Study Recommendations. Step One is to establish a business/municipal liaison committee (Sanitation Implementation Committee) who worked in conjunction with the Keep Hamilton Clean Committee. As a result of several meetings/discussions, the proposal of developing a Public Service Announcement (P.S.A.) was recommended to develop a public awareness to "Keep Hamilton Clean".

Mohawk College students were invited to submit/develop a P.S.A. based on a presentation by the Sanitation Implementation Committee. As a result, a Public Service Announcement Competition was held. The Judging Committee consisted of Alderman Hinkley, K. Wallis of Mohawk College, B. Janes from CHCH TV and a representative of the Public Works Department. CHCH TV has aired the first P.S.A. on a regular month basis, at no cost to the City and has, therefore, assisted greatly in ensuring the success of the programme.

The Second Annual P.S.A. Competition was approved by City Council at its meeting held 1990 August 28.

The P.S.A. Committee recommends that the above noted prizes be awarded at the City Council meeting scheduled for 1991 March 26. The Awards will also be presented at the Andy Awards which will be aired on CHCH TV.

cc: Alderman Wm. McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee

Alderman B. Hinkley, Chairman
Keep Hamilton Clean Committee

Mr. K. Wallis
Mohawk College

Mr. B. Janes
CHCH TV

CITY OF HAMILTON

- RECOMMENDATION -

8.

DATE: March 12, 1991
(ZA-90-70; Beasley Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a further modification of zoning - Nos. 41-45 Cathcart Street.

RECOMMENDATION:

1. That approval be given to Zoning Application 90-70, 740898 Ontario Inc. (Leroy McCarthy and Elaine McCarthy), owners, requesting a further modification to the "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing Residential Care Facility from 16 to 22 residents, for property located at Nos. 41-45 Cathcart Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 84-103, be further modified to include the following variances as special requirements:
 - a) That Section 1. (a) of By-law No. 84-103 be amended by changing the number "16" in the fourth line to "22", so that the revised clause (a) reads as follows:

" (a) Notwithstanding subsection 10(1) of By-law No. 6593, a residential care facility for the accommodation of not more than 22 residents shall be permitted in the existing building;"

- b) That Section 1. (b) of By-law No. 84-103 be amended by changing the number "205 m²" to "148 m²" so that the revised clause (b) reads as follows:

 "(b) an outdoor amenity area not less than 148 m² shall be provided and maintained on the lot;"
- c) That Section 1. (d) of By-law 84-103 be deleted;
- d) That the following new clauses be added to Section 1 of By-law No. 84-103;
 - (d) Notwithstanding subsection 18A. (7) of By-law No. 6593 the 4 parking spaces situated in the required front yard shall have a minimum width of 2.6 m;
 - (e) Notwithstanding subsection 18A. (9) of By-law No. 6593 the required manoeuvring space for the 8 required parking spaces may be located off-site;
 - (f) That subsections 18A. (11) and (12) of By-law No. 6593 shall not apply;
 - (g) Notwithstanding subsection 18A. (14) of By-law No. 6593 4 of the required 8 parking spaces may be located within the required front yard.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-861a, and that the subject lands on Zoning District Map E-4 be notated S-861a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval.

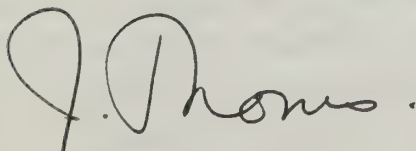
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at Nos. 41 and 45 Cathcart Street, as shown on the attached map.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 16 to 22 residents.

In addition, the By-law provides for the following variances as special requirements:

- to permit an outdoor amenity area of 148 m² as opposed to 205 m²;
- to permit 4 parking spaces located in the front yard to have a minimum width of 2.6 m, whereas 2.7 m is required;
- to permit the manoeuvring space for the 8 required parking spaces to be provided off-site;
- to permit 4 of the required 8 parking spaces to be located within the required front yard;
- to exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip and a 1.2 m to 2.0 m high visual barrier between the parking area and the residential district.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Current Application

The purpose of the proposed modification is to increase the capacity of the existing residential care facility from 16 residents to 22 residents. A site inspection of the property revealed that vacant space (finished rooms) exists within the building to accommodate the six (6) additional residents. A fenced outdoor amenity area (patio) is established on the north side of the building and a total of 8 parking spaces (4 in front and 4 in the rear) are currently provided.

- By-law 84 - 103

On April 24, 1984 City Council passed By-law 84-103 which provided for a modification to the established "D" (Urban Protected Residential -One and Two-Family Dwellings, Townhouses, etc.) District to permit a residential care facility for the accommodation of not more than 16 residents. In addition, the By-law requires an outdoor amenity area of not less than 205 m² to be provided and maintained on the lot; a visual barrier not less than 1.2 m and not more than 2.0 m in height to be provided and maintained along the northerly and westerly lot lines and adjacent to the outdoor amenity area; and to require not less than 4 off-street parking spaces to be provided and maintained on the lot.

- Zoning Application 88-45

On May 10, 1988 the applicant applied for an identical zoning modification to the one currently under consideration. However, the file was eventually closed due to the applicant's failure to comply with the Sign Posting Requirements for rezoning.

- Committee of Adjustment

On April 11, 1990, the applicant applied for a minor variance application through the Committee of Adjustment to permit an increase in the capacity of the residential care facility from 16 to 22 residents. The application was denied on the grounds that it was not considered to be minor in nature, and accordingly, should more appropriately be dealt with by means of a rezoning application through the Planning and Development Committee.

- Licensing

Elaine McCarthy, on behalf of 740898 Ontario Limited, applied to the City Licensing Officer for a Second Level Lodging House Licence for a capacity of 16 on September 18, 1985. In May 1988, Mr. McCarthy applied to the Planning and Development Committee for a Change in Zoning to permit a capacity of 22 residents. In October 1988, the Health Department and Fire Department notified the City Licensing Officer that the premises met their requirements for a capacity of 22.

The City Licensing Officer has advised that in 1989 a Second Level Lodging House Licence for a capacity of 22 was inadvertently issued. When the error was discovered, a Second Level Lodging House Licence for 16 residents was re-issued.

APPLICANT:

740898 Ontario Inc., (Leroy and Elaine McCarthy), owners.

LOT SIZE AND AREA:

- 27.05 m (88.75 ft.) of lot frontage on Cathcart Street;
- 40.20 m (131.89 ft.) of lot depth; and,
- 890.609 m² (9,586.75 sq. ft.) of lot area (irregular).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	residential care facility for 16 residents	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District, Modified
<u>Surrounding Lands</u>		
to the north	two-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
to the south	single - family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District
to the east	apartment complex	"E-3" (High Density Multiple Dwellings) District, Modified
to the west	single - family dwellings and a public garage use	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

Designated "CENTRAL POLICY AREA" on Schedule "A" Land Use Concept Plan, and within "SPECIAL POLICY AREA 3" on Schedule "B" Special Policy areas of the Official Plan. The following policies, among others, would apply:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A" will be for the following uses:
- ii) Residential uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this plan;
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

The following policies are applicable to the lands within SPECIAL POLICY AREA 3:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential Policies of Subsection A.2.1 and C.7 and Policy A.2.8.1 (ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" use on the approved Beasley Neighbourhood Plan and for "MIXED USE" on the approved CENTRAL AREA PLAN, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - " 1. A Residential Care Facility for the accommodation of twenty-two (22) residents, requires a minimum of eight (8) parking spaces.
 - 2. No plans submitted to determine compliance with Zoning By-law 6593 as amended by By-law 84 - 103.

Note: Our records indicate the original proposed residential care Facility was for twenty (20) residents, but the zoning application and licence were approved for sixteen (16) residents."

- The Traffic Department has advised that:

"...we have reviewed the above-noted application and find it satisfactory, however, the applicant should be advised that the alley in the rear of the property is public unassumed and access to the rear parking area cannot be guaranteed."

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

Any works which may occur within the Cathcart Street road allowance must conform to the City of Hamilton Streets By-law. Since the adjacent alleyway is public unassumed, the City of Hamilton cannot guarantee access to the subject lands from the alleyway."

- The Regional Department of Social Services has advised that:

"We support the application, as long as the expansion from 16 to 22 beds meets the requirements of City of Hamilton licensing. Our Department has a subsidy contract with this home and we find its operation satisfactory."

- The Hamilton Wentworth Regional Police Department, Hamilton Region Conservation Authority and the Licensing Division - City Clerks Department have no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Beasley Neighbourhood Plan.

3. The application has merit and can be supported for the following reasons:
- a) the site is situated in a mixed use area in close proximity to the downtown area and, as such, would be compatible with established land uses;
 - b) there is sufficient unused space within the existing building to accommodate the increase in the number of residents;
 - c) the proposed increase in the number of residents (6) is considered to be minor in nature and should not impact the existing character of the area;
 - d) sufficient on-site parking is being provided for the proposed use;
 - e) there are no other residential care facilities established within the prescribed 180 m radial separation distance; and,
 - f) the site is situated within the core area of the City and is readily accessible to public transit, shopping, medical, cultural and recreation facilities.
4. The Building Department has reviewed the application and note the following By-law variances:

<u>Variance</u>	<u>Provided</u>	<u>Required</u>
• width of the front yard parking spaces (Section 18A.(7))	2.6 m	2.7 m
• manoeuvring spaces on-site (Section 18A.(9))	none	yes
• front yard parking (Section 18A.(14))	4 spaces	not permitted

- | | | | |
|---|---|------|-------|
| • | setback of parking/loading space from adjoining residential district boundary (Section 18A.(11)(a)) | none | 1.5 m |
| • | front yard setback for a parking area within 3.0 m of a residential district boundary (Section 18A.(11)(b)) | none | 6.0 m |
| • | Landscaped planting strip between the parking area and the adjoining residential district boundary (Section 18A.12)(a)) | none | 1.5 m |
| • | 1.2 m to 2.0 m high visual barrier between the parking/loading area and the adjoining residential district | none | yes |

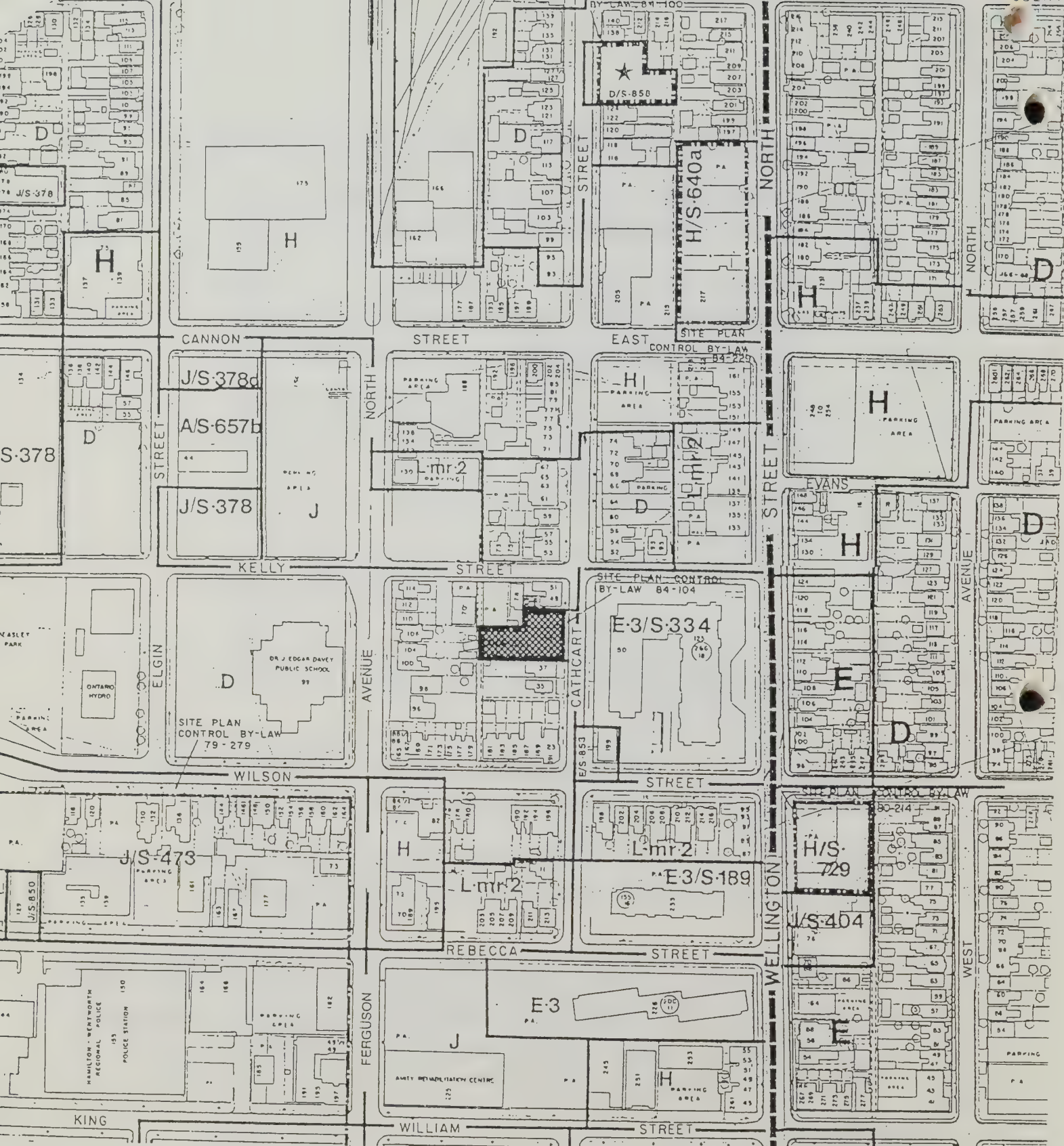
Regarding the above noted variances, the Traffic Department has advised that given the existing site constraints they would support the requested variances.

5. Section 1(d) of By-law No. 84-103 respecting previous parking requirements (4 spaces) should be repealed as it is no longer applicable to the development.
6. As the previous zoning application was made subject to Site Plan Control By-law 79-275 as amended by By-law 87-223, and since the requirement has not been satisfied to date, it is suggested that to ensure compliance respecting parking, fencing, size of amenity space, etc. that the amending By-law not be forwarded for passage by City Council until the applicant applies for and receives approval of a site plan.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW:ma/dkp



Legend



Site of the Application



9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 12

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

SUBJECT: Proposed Draft Plan of Subdivision (25T-90023).
Proposed Re-zoning Application (ZA-90-46)

RECOMMENDATION:

(1) Subdivision Application

- (a) That approval be given to Application 25T-90023, Primecan Holdings Inc., owner, to establish a draft plan of subdivision south of Limeridge Road and west of Upper Wellington Street, subject to the following conditions:
- (1) That the approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated November 8, 1990 revised to show 14 lots for single-family dwellings; 1 block (Block "15") for row or townhouse development; 2 blocks (Block "16 and 30") for apartment development; 13 blocks (Blocks "17" to "29") for development with adjacent lands; 2 blocks (Blocks "31" and "32") as 0.3 metre reserves; and a road widening (Block "33").
 - (2) That lots "1" to "14" and Blocks "15", "16" and "30" not be developed until lands directly to the east of Upper Wellington Street ("Rose Gardens", 25T-89032) has been registered.
 - (3) That Blocks "17" to "29" (inclusive) , be developed only in conjunction with adjacent lands to south and west.
 - (4) That the owner provide 2.0m x 2.0m daylight triangles at the corners of Block "17" and Block "27" and a 12.0m x 12.0m daylight triangle at the corner of Block "30" at the intersection of Upper Wellington Street and Street "A".

- (5) That road allowances, widenings and daylight triangles be dedicated as public roads on the final plan.
 - (6) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (7) That Street "A" align centreline to centreline with future Sirente Drive east of Upper Wellington Street in the "Rose Gardens" subdivision (25T-89032).
 - (8) That the road allowance to the south and adjacent to Block "30" be established to its full width prior to registration of the Final plan of subdivision.
 - (9) That the applicant provide a 15.0m wide easement, in favour of the Region, for a berm adjacent to the Freeway, extending along the rear portions of Lots "1" and "2" and Blocks "29", "15" and "16".
 - (10) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (11) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.
 - (12) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (13) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (14) That Blocks "31" and "32", the 0.3 m reserves be conveyed to the City of Hamilton.
 - (15) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (16) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region

with respect to this application (25T-90023), Primecan Holdings Inc., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the Jerome neighbourhood plan be revised accordingly.

(2) Rezoning Application:

That approval be given to amended Zoning Application 90-46, Primecan Holdings Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District for Block "1", to "E-2" - "H" (Multiple Dwellings - Holding) District for Block "2", and to "RT-20" - "H" (Townhouse-Maisonette - Holding) District for Block "3", for property located on the west side of Upper Wellington Street in the area south of the Mountain Freeway, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

- (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (iii) That Block "2" be rezoned from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District;
- (iv) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District;
- (v) That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special provision:
- (a) That no vehicular access to and egress from Block "2" shall be permitted from Upper Wellington Street;

- (vi) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special provision:
 - (a) That notwithstanding Section 10E of By-law No. 6593, a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement;
- (vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9B be notated S- ;
- (viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council; and,
- (ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Explanatory Note:

The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by City Council to remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property located on the west side of Upper Wellington Street in the area south of the Mountain Freeway, as shown on the attached map:

- Block "1" - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- Block "2" - Change from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District; and,
- Block "3" - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District.

The effect of the By-law is to permit future development of the subject land for:

Block "1" - Single-Family Detached Dwellings;

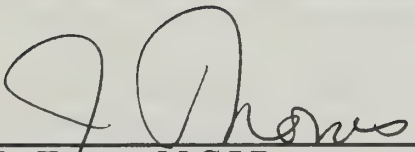
Block "2" - Multiple Dwellings (Apartments); and,

Block "3" - Townhouses or Maisonettes.

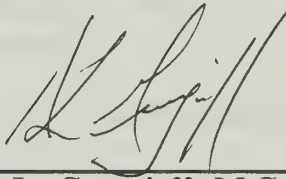
In addition, the By-law establishes the following variances as special provisions:

Block "2" - no vehicular access shall be permitted from Upper Wellington Street; and,

Block "3" - a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the most northerly 15 m of this Block, which is required as a berm easement.



J. D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department



A. L. Georgieff, M.C.I.P.,
Director of Local Planning
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Primecan Holdings Inc., Hamilton, Ontario.

Surveyor: A. J. Clarke and Associates, Hamilton, Ontario.

Location:

The lands, comprising 4.65 ha., are located south of the proposed Future Mountain Freeway and west of Upper Wellington Street in the Jerome Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Mountain Freeway	"AA" (Agricultural) District
to the south and west	vacant	"AA" (Agricultural) District
to the east	vacant	"RT-20" (Townhouse - Maisonette) District

PROPOSED SUBDIVISION:

The applicant is proposing 11 lots for single-family homes, Block "13" and "14" for apartments, and Block "12" for townhouses or maisonettes.

PROPOSED REZONING:

The owner has requested that the lands be rezoned to "C" (Urban Protected Residential, etc., - Holding) District and to "E-2" (Multiple Dwellings - Holding) District and to "RT20" (Townhouse - Maisonette - Holding) District from "AA", Agricultural District.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated Attached Housing, Low Density and Medium Density Apartment. The proposal would require an amendment to the neighbourhood plan.

Zoning - an amending Zoning by-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

(1) Subdivision Application:

The following agencies have advised they have no comment or objection toward the proposal:

- Ministry of Transportation;
- Ministry of Natural Resources;
- Ministry of Culture & Communications (subject to standard condition);
- Ontario Hydro, Union Gas and Bell Canada;
- City of Hamilton Traffic Department; and,
- City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

For Information:

- (1) Municipal services (water, storm and sanitary sewers) are not available at present to service this proposed development. The Region does not intend to construct storm and sanitary sewer services on Upper Wellington Street north of Future Sirente Drive. The flow of sewers from Upper Wellington Street is intended to go east along future Sirente Drive. Therefore, the servicing of this subdivision is dependent on the servicing of lands to the east of Upper Wellington Street (Rose Gardens) and more particularly is dependent on the servicing of Future Sirente Drive to Upper Wellington Street.
- (2) The Owner should submit this proposed draft plan of subdivision to the Engineering Department's Freeway Office (Attn.: Gary Moore) for their comments as this development borders the East/West Mountain Freeway property.
- (3) Access to Block 13 as well as municipal servicing will be from Street "A" only through an easement granted over Block 14.
- (4) Access to Block 14 as well as municipal servicing will be from Street "A" only.
- (5) The Owner will be required to pay land costs for the portion of Street "A" adjacent to Block 14 between the boundary of his subdivision and the centreline of the proposed road allowance for Street "A".
- (6) The applicant is to dedicate to the Region for road widening purposes the following pieces of land:
 - (a) A ten (10) metre wide strip of land along the west side of Upper Wellington Street;

- (b) A triangular piece of land, ten (10) metres by two hundred (200) metres adjacent to the widening noted in 6(a) and as shown on the attached Plan.
Note: This parcel is in excess to normal widenings, therefore, the Region will be required to compensate the Developer through the subdivision process for these lands at fair market value.

Recommendations:

- (1) That Lots 1 to 11 (inclusive) and Blocks 12 to 14 (inclusive) not be developed until lands directly to the east of Upper Wellington Street ("Rose Gardens" draft plan of subdivision) has been registered.
- (2) That Blocks 15, 17 to 27 (inclusive) and 29 be developed only in conjunction with the adjacent lands to the south and west.
- (3) The Owner will be required to provide 2.0m x 2.0m daylight triangles at the corners of Block 17 and Block 27 (see attached plan).
- (4) That Street "A" align centreline to centreline with Future Sirente Drive east of Upper Wellington Street in "Rose Gardens" subdivision.
- (5) That the road allowance adjacent to Block 14 be established to its full width prior to the registration of the Final Plan of Subdivision.
- (6) The applicant is to provide a 15.0m wide easement, in favour of the Region, for berm and noise barrier purposes adjacent to the Freeway extending along the rear portions of Lots 1 and 2 and Blocks 12, 13, and 29.

The submitted plan as prepared by A. J. Clarke, O.L.S and stamped with the date November 8, 1990 is satisfactory to this department subject to the above noted comments and recommendations.

(2) Rezoning Application:

- The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Hamilton-Wentworth Regional Police; and,
- Building Department.

- The Freeway Project Office has advised that:

"The subject parcel of land is located on the west side of Upper Wellington Street, directly abutting the Red Hill Creek Expressway lands to the north. As Blocks 1, 2, and 3 are proposed for residential use, the Freeway office will require the following, pursuant to City Council resolution adopted October 9, 1973:

- (1) That the first row of residential lots be a minimum of 150' in depth and drained away from the Expressway Corridor;
- (2) That the applicant grant a 50' surface easement on lands immediately adjoining the Expressway for the purposes of constructing a landscaped noise barrier;

In addition, as Block 2 abuts Upper Wellington Street, this Office will require:

- (3) That the applicant dedicate to the Region a strip of land 10 m in width on the west side of Upper Wellington Street for road widening purposes; and,
- (4) That the applicant agree to sell to the Region at a fair and equitable price an additional parcel of land along Upper Wellington Street, approximately 850 m² in area, measuring 170 m in length, tapering from a width of 10 m at the Expressway boundary to meet the new dedicated property limit. We also require that this provision be registered on title.

Finally, as a result of the grade separation required for Upper Wellington Street, the owner/applicant should be advised that access to Upper Wellington Street may be limited in location to the southern portion of the property. The exact extent of this restriction cannot be determined prior to site plan submission."

- The Traffic Department has advised that:

"It is our understanding that this site will be grade-separated from Upper Wellington Street due to Upper Wellington Street being an overpass over the proposed Mountain Freeway. As a result, access to the site will be limited to the proposed mid-block collector to the south. The applicant should be advised that this property cannot be developed until the construction of the mid-block collector is complete. Regional engineering should consider providing a left turn lane on Upper Wellington Street when this intersection is constructed."

In addition, the Traffic Department has verbally advised that no access to or egress from Upper Wellington Street should be permitted for Block "2".

- The Hamilton-Wentworth Engineering Department has verbally advised that there are no services for the subject lands and servicing will not be available for three to five years.

COMMENTS:

(1) Subdivision Application:

- (i) This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
- (ii) As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- (iii) The proposed plan has been revised to show lots for single-family dwelling and a block for development with adjoining lands on Block "15" as proposed by the owner, which would implement the proposed zoning.

(2) Rezoning Application:

- (1) The proposal has merit and can be supported for the following reasons:

- (i) It implements the intent of the Jerome Neighbourhood Plan;
- (ii) The requested zoning is appropriate for the proposed development; and,
- (iii) It is a comprehensive development of these lands.

The Hamilton-Wentworth Engineering Department has verbally advised that the subject lands will not be serviced for three to five years. In this regard, it would be appropriate that the lands be subject to Section 35(1) of the Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any Zoning District and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by an amendment to the By-law.

- (2) In keeping with the recommendation of the Traffic Department, vehicular access to Upper Wellington Street should be prohibited.
- (3) As Block "3" adjoins future single-family dwellings, it would be appropriate to require a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height to be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement by the Freeway Project Office.

- (4) The "E-2" (Multiple Dwellings) District and the "RT-20" (Townhouse-Maisonette) District are subject to Site plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as access, landscaping, parking, fencing, etc. will be addressed at that stage of development approval.

Conclusion:

On the basis of the foregoing, the rezoning application can be supported.

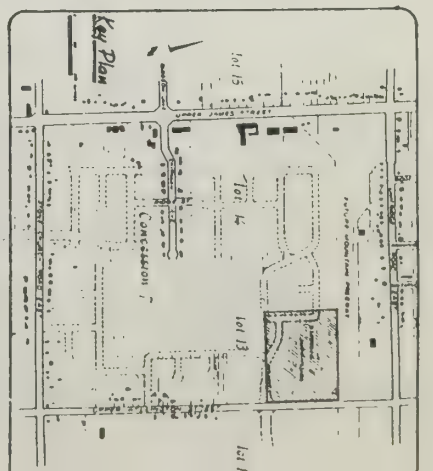
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ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 12 AND 13

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PART OF LOT 13 - CONCESSION 7 - GEOGRAPHIC TOWNSHIP OF EARTHY

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

C. J. Clark O.E.S. 1900

Chlorophyll

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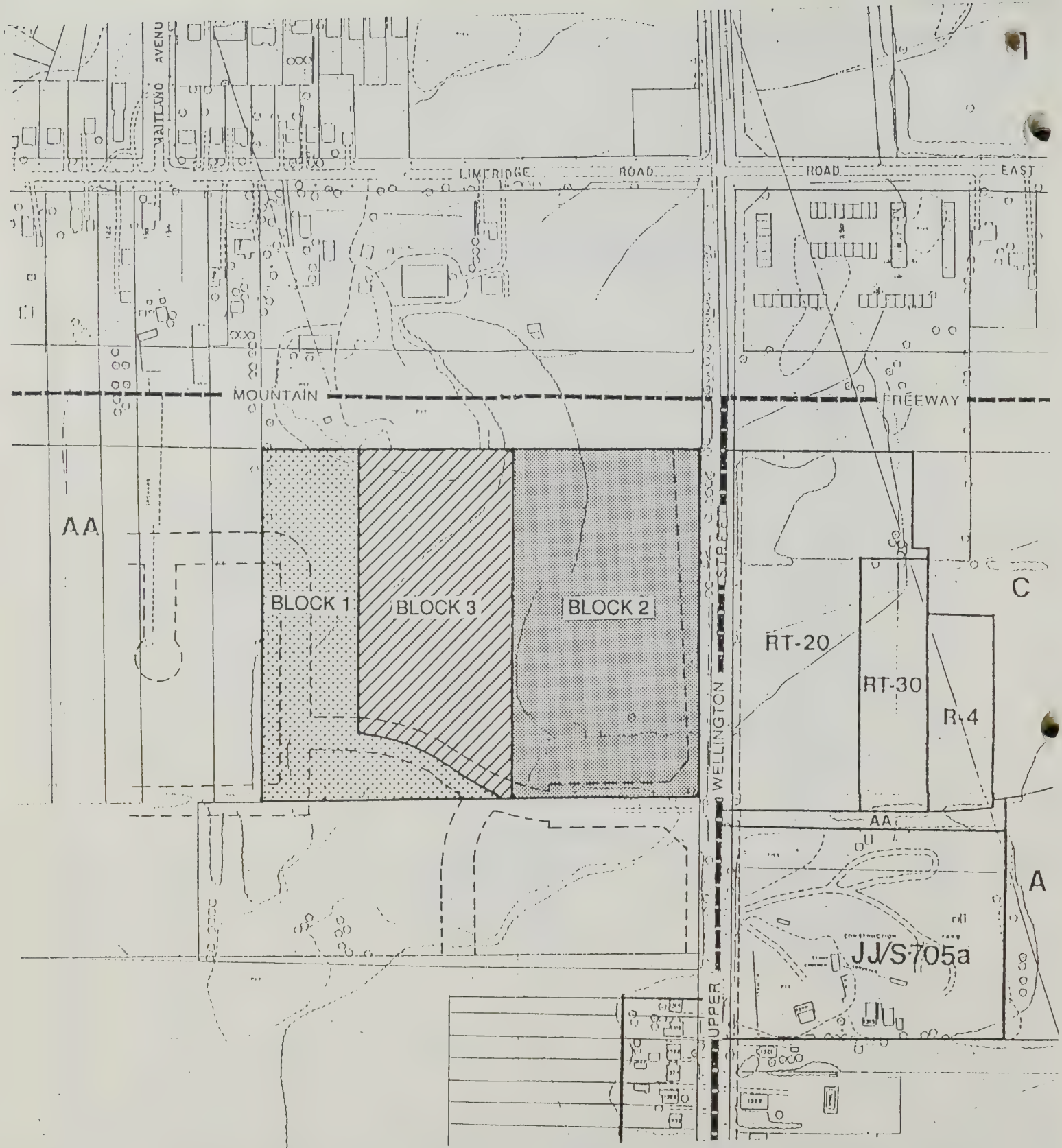
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Legend

Proposed changes in zoning from :

BLOCK 1



"AA" (Agricultural) District to "C"- "H" (Urban Protected Residential, etc.-Holding) District.

BLOCK 2

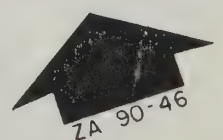


"AA" (Agricultural) District to "E-2"- "H" (Multiple Dwellings-Holding) District.

BLOCK 3



"AA" (Agricultural) District to "RT-20"- "H" (Townhouse-Maisonette-Holding) District.



APPENDIX A

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 8
ZA-90-96
Butler Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department.

SUBJECT: Request for a change in zoning - land located on the
north side of Rymal Road East and east of the Hydro
Right-of-Way.

RECOMMENDATION:

1. That approval be given to an amended Zoning Application 90-96, Rymal Square Developments, Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1", a modification to the established "DE-3" (Multiple Dwellings) District regulations for Block "2", and a modification to the established "E-2" (Multiple Dwellings) District for Block "3", for property located on the north side of Rymal Road East and east of the Hydro Right-of-Way, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
 - ii) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following variances as special provisions:
 - a) That Section 10E (2)(a)(3) shall be prohibited.
 - b) That notwithstanding the provisions of By-law No. 6593, not less than a 7.5 m wide landscaped area which shall consist of a berm shall be provided and maintained along the entire northerly boundary;

- c) That notwithstanding Section 2(2)(J)(xxviii) of By-law No. 6593, all building setbacks shall be taken from the southerly limit of the landscaped area;
- iii) The "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of By-law No. 6593, applicable to Block "2"; and the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of By-law No. 6593, applicable to Block "3", be modified to include the following variances as special provisions:
 - a) That notwithstanding the provisions of By-law No. 6593, not less than a 7.5 m wide landscaped area which shall consist of a berm shall be provided and maintained along the entire northerly boundaries of Blocks "2", and "3";
 - b) That notwithstanding Section 2(2)(J)(xxviii) of By-law No. 6593, all building setbacks shall be taken from the southerly limit of the landscaped area;
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1156a, and the subject lands on Zoning District Maps E-27D and E-27E be notated S-1156a;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27D and E-27E for presentation to City Council;
- vi) That the proposed change and modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- vii) That the approved Butler Neighbourhood Plan be amended on the following basis:
 - a) That the Block "1" be redesignated from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING";
 - b) That the proposed road alignment, as indicated on APPENDIX "B", be deleted;
 - c) That the sixty-six foot wide walkway, as indicated on APPENDIX "B", across the Ontario Hydro Right-of-Way, be added to the Neighbourhood Plan; and,

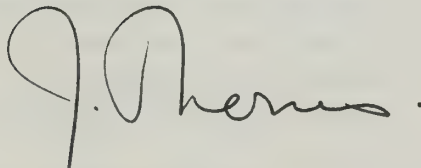
- d) That the fifty foot berm, as indicated on APPENDIX "B", be added to the Neighbourhood Plan.
2. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has registered, on title, a berm easement of not less than 7.5 m in width along the northerly boundary of Blocks "1", "2", and "3", to the satisfaction of the Director of Public Works.

EXPLANATORY NOTE:

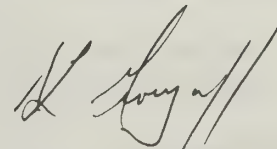
The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1", a modification to the established "DE-3" (Multiple Dwellings) District regulations for Block "2", and a modification to the established "E-2" (Multiple Dwellings) District for Block "3", for lands located on the north side of Rymal Road East in the area east of the Hydro Right-of-Way, as shown on the attached map.

The effect of the By-law is to permit future townhouse or maisonette development on Block "1". In addition, the By-law provides for the following variances as special requirements:

- to prohibit street townhouse development on Block "1";
- to require a landscaped area, including a berm, of not less than 7.5 m in width to be provided and maintained along the entire northerly boundaries of Blocks "1", "2", and "3"; and,
- to require that all building setbacks for development of Blocks "1", "2", and "3" shall be taken from the southerly limit of the required landscaped area.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking to rezone Block "1" from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified to permit development of townhouses or maisonettes.

This proposal has necessitated a reassessment of the Butler Neighbourhood Plan for the south-east corner of the neighbourhood. As shown on APPENDIX "B", the proposed changes include a redesignation of the subject land from "Single and Double Residential" to "Attached Housing", a deletion of a roadway, the inclusion of a walkway, and the inclusion of a berm adjacent to the neighbourhood park. Furthermore Blocks "2" and "3" have been included, as shown on APPENDIX "B", to ensure the implementation of the recommended changes to the neighbourhood plan.

- Zoning Application 89-42 (SA-89-13; 25T-89022)

At its meeting of January 21, 1990, the Planning and Development Committee approved this application for an Official Plan Amendment, changes in zoning, and a subdivision for a comprehensive residential development of the lands north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue (see APPENDIX "C"). City Council, at its meeting of January 30, 1990 adopted the recommendation of the Planning and Development Committee.

By-law No. 90-41, which implements Official Plan Amendment No. 85 (to redesignate a portion of the lands from "UTILITIES" to "RESIDENTIAL"), was approved by the Regional Municipality of Hamilton-Wentworth on May 1, 1990.

By-law No. 90-177, which implements the changes in zoning, came into effect on June 26, 1990.

The draft plan of subdivision for the subject lands (Rymal Square Estates) was approved on May 25, 1990.

APPLICANT:

Rymal Square Developments Inc., owner.

LOT SIZE AND AREA:

The subject property is irregular in shape and has:

- 401.65 m (658.1 feet) of lot width;

- 89.98 m (295.21 feet) of depth; and,
- 1.44 ha (3.56 acres) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------|---|
| <u>Subject Lands</u> | vacant | "C" (Urban Protected Residential, etc.) District, "DE-3" (Multiple Dwellings) District, and "E-2" (Multiple Dwellings) District |
| <u>Surrounding Lands</u> | | |
| to the north | vacant | "AA" (Agricultural) District |
| to the south | vacant | "RT-20" (Townhouse-Maisonette) District modified and "AA" (Agricultural) District |
| to the west | Hydro Right-of-Way | "AA" (Agricultural) District |
| to the east | single-family homes | "G-1" (Designed Shopping Centre) District modified |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Block "1" is designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Butler Neighbourhood Plan. The proposal does not comply with the intent of the approved Neighbourhood Plan and approval of the application would require a redesignation to "ATTACHED HOUSING".

COMMENTS RECEIVED:

- The following agencies and departments have no comment or objection:

- Hamilton Region Conservation Authority;
- Traffic Department; and,
- Building Department.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are neither public watermains nor storm and sanitary sewers available to service the subject lands.

We recommend that these lands be developed through a draft plan of subdivision in order to deal with all servicing, widenings, grading matters, etc."

- The Public Works Department has advised that:

"The Public Works Department has no objection to the proposed road deletion or the redesignation from single and double to attached housing.

The proposed pedestrian linkage from the south-west corner of Billy Sherring Park, continuous westerly across Upper Wentworth Street is an excellent consideration.

With respect to the proposed berm, a natural landscaped feature such as this berm could become, can be preferable to a privacy fence for purposes of buffering. A treed berm would require less long term maintenance and repair and provide positive aesthetic and environmental relief in comparison with what could otherwise be over 400 metres of fencing.

However, in order that the proposed berm prove successful, there are a number of factors which must be considered. These include, but are not limited to, the following:

- grades/elevations/drainage patterns;
- contouring, fill and topsoil depths;
- selection and specifications for plant material;
- costs/cost sharing;
- location of berm on civic and/or private lands;
- maintenance;
- access points to and from the park;
- liabilities.

These types of considerations are site specific and may require mitigation between the City and the land developers, in order that an effective long term solution can be achieved.

During 1991, the Parks Division is preparing a Master Plan for Billy Sherring Park, and during this exercise those issues noted above concerning the proposed berm will be investigated in detail. Since this work has not been initiated at this time, it is difficult to provide concrete details concerning the desirable specifications for the construction and management of the berm. However, the Parks Division would be willing to work in conjunction with other agencies, such as potential land developers, towards finalizing the details of this aspect of the proposed amendments to the Butler Neighbourhood Plan."

And further advised:

"For your purposes in amending the NBHD plan, it may be sufficient to indicate that the amendment is subject to a 25 ft. wide landscaped berm easement along the entire park interface. Detail specifications for the easement can be mitigated through the site plan control process."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal to rezone Block "1" does not comply with the intent of the approved Butler Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".
3. The proposal has merit and can be supported for the following reasons:
 - i) it would be compatible with the proposed future development in the surrounding area;
 - ii) it would provide for increased affordable housing opportunities in this area of the city; and,
 - iii) the requested zoning is appropriate for the proposed development.

However, as these lands are to be developed in conjunction with the adjoining "RT-20" District lands to the south (Blocks "4" and "5" - APPENDIX "C"), it would be appropriate to similarly prohibit street townhouse development

4. The following special provisions have been identified.

- Landscaped Area

A berm of 15 m in width (of which 7.5 m is on the subject lands) is being requested by the Department of Public Works (Parks Division). In order to

ensure that this provision is met, a special requirement of the amending By-law should require the provision of a landscaped area and a berm.

- Building Setback

The building setback from the rear lot line for the "RT-20 (Townhouse Maisonette) District (Block "1") is 6.0 m (20 feet), between 3.0 m and 13.5 m (10-45 feet) (depending on the building's size) in the "DE-3" (Multiple Dwellings) District (Block "2") and the "E-2" (Multiple Dwellings) District (Block "3"). In order to ensure that no buildings are constructed in the landscaped area, it would be appropriate to require that all building setbacks are taken from the southerly limit of the required landscaped area.

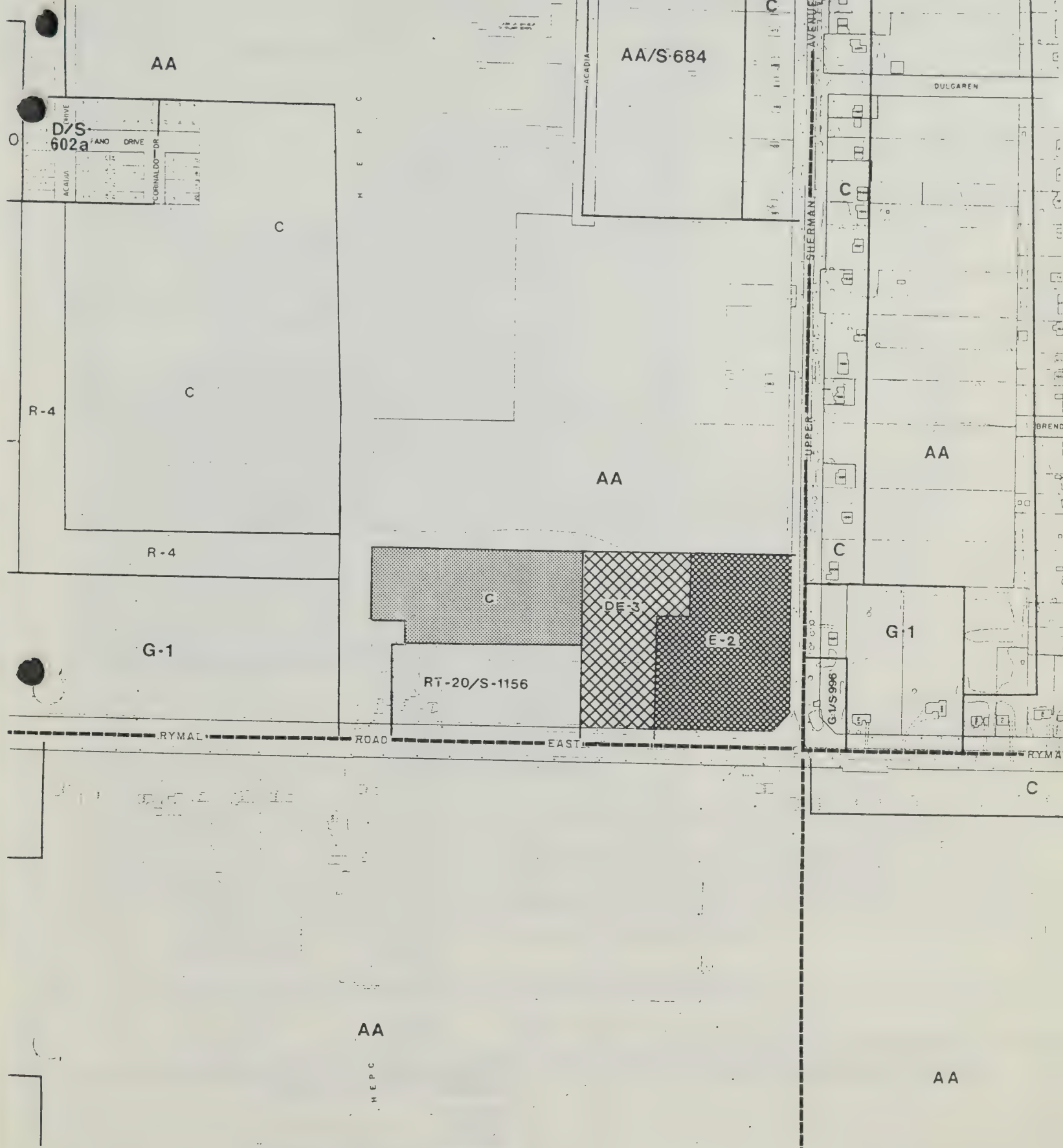
5. Approval of this development requires certain design changes to the approved Butler Neighbourhood Plan. As shown on APPENDIX "B", these changes would include a redesignation of Block "1" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING", a walkway of sixty-six feet in width across the Hydro Corridor, the deletion of a proposed road, and a fifty foot berm along the northerly boundaries of Blocks "1", "2", and "3". As the application is being supported, these changes can also be supported.
6. In keeping with the recommendation of the Public Works Department, it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as the applicant has registered, on title, the berm easement, to the satisfaction of the Director of Public Works.
7. The Hamilton-Wentworth Engineering Department has advised that services are not available at this time. However, the subject lands are part of a larger plan of subdivision, for which draft approval has been granted. Accordingly, the servicing of the subject lands will be addressed through the plan of subdivision.
8. The "RT-20 (Townhouse Maisonette) District (Block "1)", the "DE-3" (Multiple Dwellings) District (Block "2")", and the "E-2" (Multiple Dwellings) District are subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as the berm requirement, parking, access, grading, and landscaping will be addressed at that stage of development approval.

CONCLUSION:

On the basis of the foregoing, an amended application can be supported.

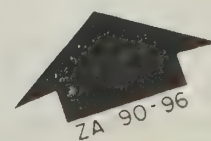
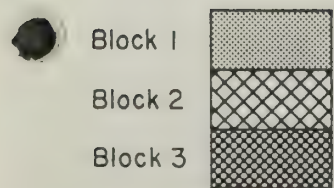
MLT:ma/dkp

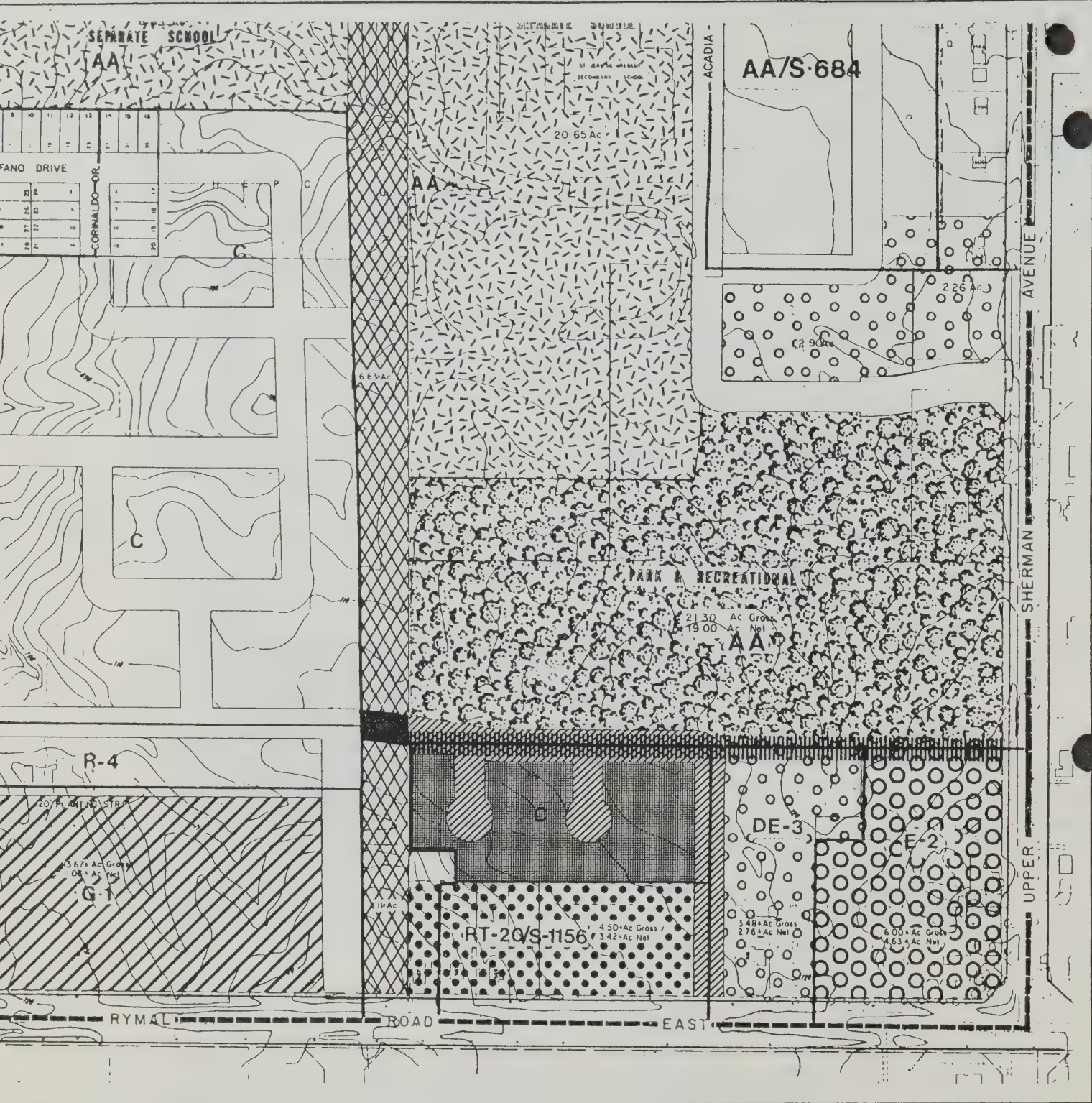
WPZA9096



Legend

Site of the Application









PROPOSED AMENDMENTS BUTLER NEIGHBOURHOOD PLAN

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

-  Redesignation From "Single And Double Residential" To "Attached Housing."
-  Deletion Of Roadway
-  Walkway (66 feet in width)
-  Berm (50 feet in width)

North

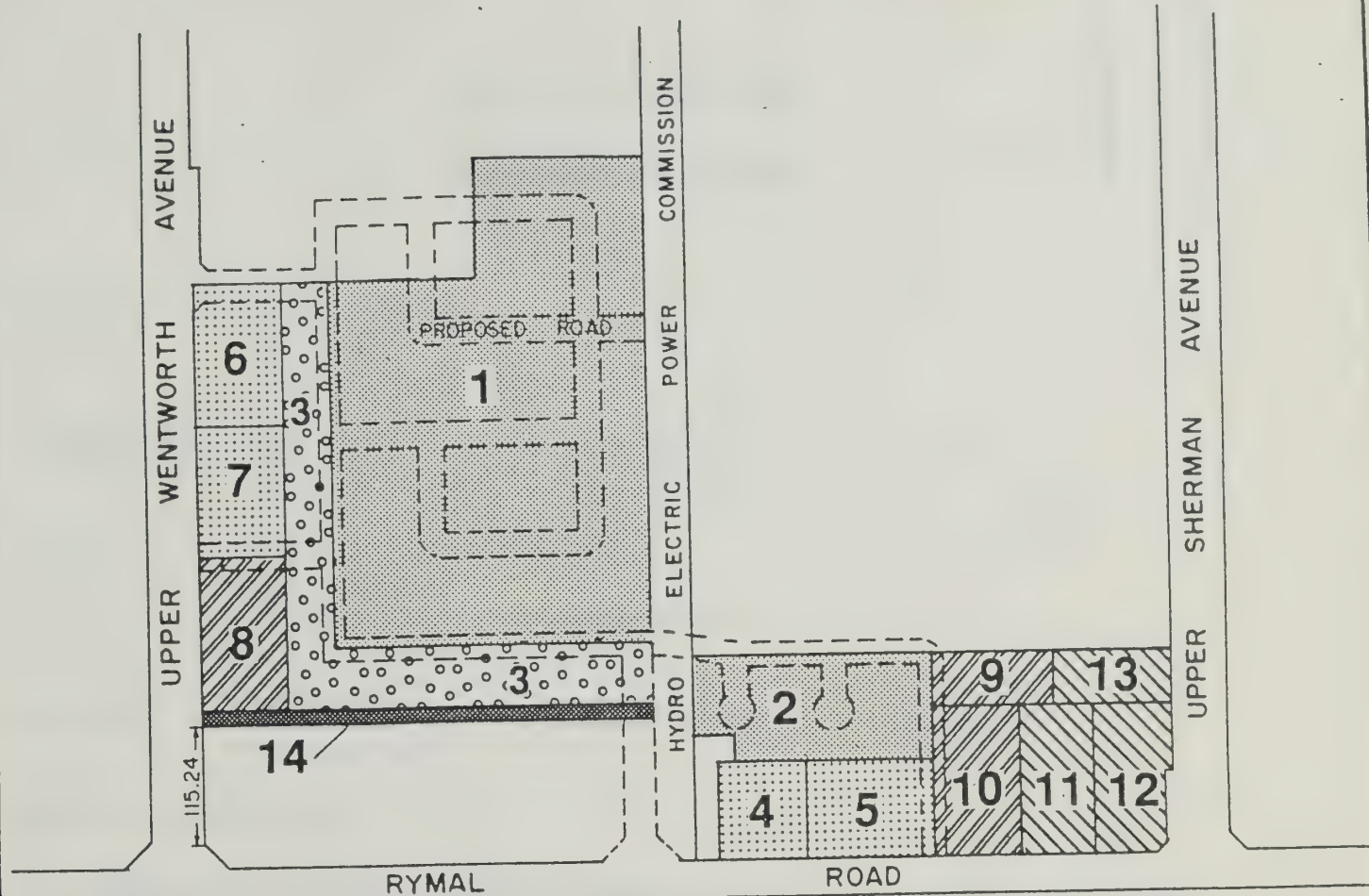


Scale
NTS

Date
91-03-05

Reference File No.

Drawing No.



Legend

Change in zoning from "AA" (Agricultural) District to:

| | | |
|--------------------|--|--|
| BLOCKS 1 & 2 | | "C" (Urban Protected Residential, etc.) District. |
| BLOCK 3 | | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCKS 4, 5, 6 & 7 | | "RT-20" (Townhouse-Maisonette) District, Modified. |
| BLOCKS 8, 9, & 10 | | "DE-3" (Multiple Dwellings) District. |
| BLOCKS 11, 12 & 13 | | "E-2" (Multiple Dwellings) District. |
| BLOCK 14 | | "G-1" (Designed Shopping Centre) District. |

City of Hamilton

Key Map

to By-Law No. 90-177..

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

NOTE: All dimensions are in metres

North



Scale
NOT TO SCALE

Date
MARCH, 1989

Reference File No.
ZA89-42

Drawn By
T.A.

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 11
ZA-90-41
St. Clair Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

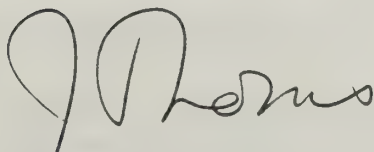
FROM: Mr. J. D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department

SUBJECT: Request for a modification in zoning - No. 172 Sanford
Avenue South.

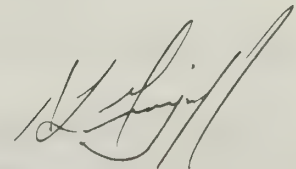
RECOMMENDATION:

That Zoning Application 90-41, John Morrison and Saulis Zemaitis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at No. 172 Sanford Avenue South, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it does not comply with the intent of the Official Plan in that it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly occupied by one and two family dwellings;
- ii) it is an overintensification of land use in that adequate off-street parking cannot be provided (only one legal parking space can be provided whereas four are required); and,
- iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.



J.D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.,
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicants are seeking to legalize the existing three-family dwelling. One parking space can be legally provided on-site.

- Zoning Verification and Order to Comply

The solicitor for the applicants requested a zoning verification certificate from the Building Department on March 11, 1988, stating that the building was an "investment three-family". On April 26, 1988, the Building Department issued a Zoning Verification Certificate to the solicitor for the current owners indicating that the property was a legal two-family dwelling (APPENDIX "B"). On July 21, 1989, the Building Department issued an Order to Comply to the current owners to reduce the current occupancy from three units to two units (APPENDIX "C").

- Affidavit

The agent for the applicants has submitted an affidavit from the previous owner of the property stating that it has been used as a three-family dwelling since November of 1959 (APPENDIX "D"). The Building Department has verbally advised that the property must have been used as a three-family dwelling prior to July 25, 1951 in order to be considered legal non-conforming.

APPLICANTS:

John Morrison and Saulis Zemaitis, owners.

LOT SIZE AND AREA:

The subject property has:

- 9.72 m (31.88 feet) of lot frontage on Sanford Avenue South;
- 28.96 m (95 feet) of lot depth; and,
- 281.4 m² (3,029 square feet) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|------------------------------------|--------------------------------------|--|
| <u>Subject Lands</u> | three-family dwelling | "C" (Urban Protected Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north, south, west and east | one, two, and three family dwellings | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies, among others, are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- C.7.1 As far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

Based on the foregoing, the application does not comply with the intent of the Official Plan as it is an intrusion of a three-family dwelling into a single-family neighbourhood and adequate parking cannot be provided. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved St. Clair Neighbourhood Plan, the proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The following agency has no comment or objection:
 - Hamilton Region Conservation Authority.
- The Building Department has advised that:
 - "1. There is an existing outstanding Order to Comply issued in July 1989 to reduce the occupancy to the legal two family dwelling.
 2. A zoning verification was issued to a legal firm in May 1988 indicating the legal use as two units only."

- The Traffic Department has advised that:

"In accordance with the Zoning By-law, off-street parking for residential properties containing three units is required at the rate of 1.33 spaces per unit or four spaces. It would appear, from the plan submitted with the application, that this requirement cannot be met. Therefore, a variance to the by-law would be required.

The proposed change in zoning to permit the existing three units can be supported subject to the provision of a minimum of three parking spaces, one per unit. If this option is utilized, we suggest that the property be developed under site plan control to ensure that a satisfactory parking arrangement is provided."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

Any works which may occur within the Sanford Avenue South road allowance must conform to the City of Hamilton Streets By-Law."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. However, if the application is approved, an amendment to the Official Plan would not be required.
2. The proposal does not conflict with the intent of the approved St. Clair Neighbourhood Plan.
3. Existing dwellings in a "C" (Urban Protected Residential, etc.) Zoning District may be converted to a maximum of two dwelling units under the converted dwelling requirements of Section 19 of Zoning By-law No. 6593 - three-family dwellings are not permitted in this zoning district. Although the previous owner of the property has submitted an affidavit as to the duration of the building's use as a three-family

dwelling (see BACKGROUND), the Building Department has verbally advised that this affidavit does not establish the three dwelling units as legal non-conforming. On the basis of the affidavit, it would appear that the three-family dwelling has existed for over thirty years. However, the proposal cannot be supported for the following reasons:

- i) it does not comply with the intent of the Official Plan in that it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly occupied by one and two family dwellings;
- ii) it is an overintensification of land use in that adequate off-street parking cannot be provided (only one legal parking space can be provided whereas four are required). According to the Traffic Department, one additional parking space could be provided with reduced manoeuvring area if the frame garage is removed and the rear yard is paved over. This alternative is not desirable as it would remove the limited amenity space available for tenants use and could negatively affect the character of the area, especially the adjoining properties;
- iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area; and,
- iv) approval of the application may be seen as condoning the practice of illegally converting residential buildings.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

MLT:ma
WPZA9041

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO

526-2720

994

3000

3000

ZONING VERIFICATION CERTIFICATE

Plan 408

West

Lot 48 & part Lot 49

Sanford Avenue South

172

MUNICIPAL NO

STREET

LOT NO

END OF STREET

AND

STREET

172 Sanford Avenue South, Hamilton

WINTON, George

ADDRESS

PROPOSED USE: Same as present use

NUMBER OF DWELLING UNITS

INVESTMENT THREE FAMILY

NUMBER OF DWELLING UNITS

3

PRESENT USE

SIGNATURE

EXISTING BUILDING ☒

INFORMATION REQUESTED BY

PROPOSED BUILDING ☐

AND ADDRESS TO WHICH CERTIFICATE



NAME

Johnston, Morton, Burch & Boland

VACANT LAND ☐

ADDRESS

Barristers and Solicitors
201 Byron Street South
Whitby, Ontario L1N 4P7

SURVEYS (2) YES ☒

DATE

March 11th, 1988

ATTACHED ☒

Enclosed in Duplicate

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT.

SEE SECTION 9 OF ZONING BYLAW 6593 AS AMENDED BY BYLAW No.

DISTRICT MAP No.

E-23

AND COMMITTEE ADJUSTMENT No.

THE PROPOSED USE IS PERMITTED ☒ IS NOT PERMITTED ☒

IS A LEGALLY ESTABLISHED NON CONFORMING USE ☐

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275.

YES

NO

COMMENTS: The records of this Department indicate the use as a Two Family Dwelling only.

IMPORTANT: - THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FROM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZONING VERIFICATION CERTIFICATE ISSUED BY

D.M. / Paul Kuppe

BUILDING COMMISSIONER

FEES 30.00

DATE April 26/88

ZV No. 41645

IN THE MATTER OF THE TITLE
to No. 172 Sanford Avenue South, Hamilton
being Lot 48 and Part of Lot 49,
Plan 408, in the City of Hamilton,
in the Regional Municipality of
Hamilton-AND THE SALE THEREOF
Wentworth
FROM GEORGE WINTON
To JOHN MORRISON AND
SAULIS ZEMAITIS

To Wit:

I, GEORGE WINTON
of the City of Hamilton in the Regional Municipality
of Hamilton-Wentworth Do Solemnly Declare:

1. That subject to a mortgage in favor of the CIBC Mortgage Corporation which
~~is to be discharged on closing,~~
on which there is due for principal \$ and interest from the -- day of --
and to one in favor of -- upon which there is owing for --
principal \$ --- and interest from the -- day of ----- 19 ---
I am the absolute owner of the above mentioned lands and either personally or by my tenants have been
in the actual, peaceable, continuous, exclusive, open, undisturbed and undisputed possession and occupation
thereof, and of the houses and other buildings used in connection therewith since on or about the 2nd
day of November, 1959 when I obtained a conveyance thereof.

2. That save and except the above mentioned mortgage and any taxes and local improvement rates
charged thereon there is no encumbrance or easement whatsoever affecting the said lands.

3. That I am not aware of any person or persons or corporations having any claim or interest in the
said lands or any part thereof adverse to or inconsistent with my title and I am positive that none such
exists.

4. That my possession and occupation of the above mentioned lands have been undisturbed throughout
by any action, suit or other proceedings or adverse possession or otherwise on the part of any person
whomsoever and during such possession and occupation no payment has ever been made or acknowledgment
of title given by me, or, so far as I know, by anyone else, to any person in respect of any right, title, interest
or claim upon the said lands.

5. That the deeds, evidences of title and other papers which have been produced by me are all the
title deeds, evidences of title and other papers relating to the title to the said lands that are in my possession
or power and that to the best of my knowledge and belief the said title deeds and papers produced and this
declaration and the registered title fully and fairly disclose all facts material to the title claimed by me and
all contracts and dealings which affect the same or any part thereof so far as I have any knowledge thereof.

6. That to the best of my knowledge and belief the buildings used in connection with the premises are
situate wholly within the limits of the lands above described, and there is no dispute as to the boundaries of
the said lands and that the same during the time I have been the owner thereof have been completely
fenced except the street frontage. I have never heard of any claim of easement affecting the lands, either for
light, drainage, or right of way or otherwise.

~~7. That the said lands and premises are occupied by
as tenant under and by virtue of a lease from me which will expire on the
day of and the said tenant has no right of renewal of the said lease
and no right to purchase the said lands.~~

8. That there are no construction liens registered against the said lands nor any claims for which such liens
could be registered as all such claims have been paid in full.

~~9. That~~ who has executed the
said conveyance together with myself is my spouse and we are each of the full age of eighteen years.

10. There are no executions in the Sheriff's hands affecting the said lands to my knowledge.

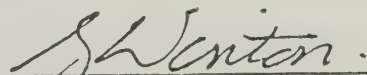
11. All taxes on the said lands have been paid up to the 21st day of March 1988.

12. That when I agreed to sell the property described above to the transferee, I was not and at the time of closing
I shall not be a "non-resident person" within the meaning and for the purposes of Section 116 of the Income Tax
Act of Canada.

13. During my period of ownership of the above premises, the
building situate on the within property has been used as a three
family dwelling.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of
the same force and effect as if made under oath.

DECLARED before me at the
City of Hamilton, in the
Regional Municipality of
Hamilton-Wentworth
this 29th day of XXXXX 1988
September


GEORGE WINTON

Johnston, Morton, Burch & Boland

Barristers & Solicitors / Avocats Et Notaires

2A-90-41

MICHAEL F. BOLAND, B.A., M.A., LL.B.
W. MARK BURCH, B.COM., LL.B.
J. W. PATRICK JOHNSTON, B.A., LL.B.
ROBERT P. MORTON, B.A., LL.B.

201 BYRON STREET SOUTH
WHITBY, ONTARIO L1N 4P7
(416) 666-2252
TORONTO LINE
(416) 686-0306

March 11th, 1988

Planning Department
City of Hamilton
71 Main St. W.
Hamilton, Ontario
L8N 3T4

| | |
|-------|------|
| 3000 | |
| A 995 | 3000 |
| A 995 | 3000 |

Dear Sirs:

Re: MORRISON/ZEMAITIS PURCHASE FROM WINTON
172 Sanford Avenue South, Hamilton
Lot 48 and Part Lot 49, Plan 408

Would you please advise us if the above mentioned lands conform to all by-laws, rear yard, side yard and from yard set-back requirements.

We would also be pleased if you would advise us if there are any outstanding work orders affecting this property.

Enclosed herewith please find a copy of the survey of this property together with our cheque in the amount of \$50.00 to cover your fee herein. We would appreciate hearing from you prior to MARCH 21st, 1988, the scheduled closing date.

Yours very truly,

per R. Morton

ADDITIONAL \$10.00 is enclosed
for your fee herein.

Robert P. Morton
RPM:ds

Enclosures

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
\$50.00
RECEIVED
FEB 11 1988
PAID TO: [signature]
PAID TO: [signature]
PAID TO: [signature]

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
\$50.00 + \$10.00
RECEIVED
FEB 11 1988
PAID TO: [signature]
PAID TO: [signature]
PAID TO: [signature]

APPENDIX B



THE CORPORATION OF THE CITY OF HAMILTON

HAMILTON, ONTARIO

FILE NO: 2A-90-41

ORDER TO COMPLY

ISSUED TO

John Morrison

Saulis Zemaitis

1569 Rawlings Drive

Pickering, Ontario, L1V 4J7

[illegible]

172 Sanford Avenue South (RES)

HAMILTON. Ontario.

TAKE NOTICE THAT THE use of the building
AT THE ABOVE LOCATION IS IN CONTRADICTION

THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

| ITEM | DESCRIPTION |
|------|-------------|
| | |

[illegible]

Pursuant to The Residential Rent Regulations of 1972, a copy of this Order shall be furnished to the Residential Rent Board. It is the order of the Board that the rent on the premises shall be fixed at \$1,000.00 per month with Section 15(1)(e) notice further that you as the owner/constructor shall not be entitled to a rent increase for the next 12 months.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FOR THE~~ WITHIN ninety (90) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE
ON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY LAW

REGISTERED MAIL

July 21, 1989

D. Gibson 526-3984

July 21, 1989

RECEIVED BY _____

DATE _____

INSPECTOR

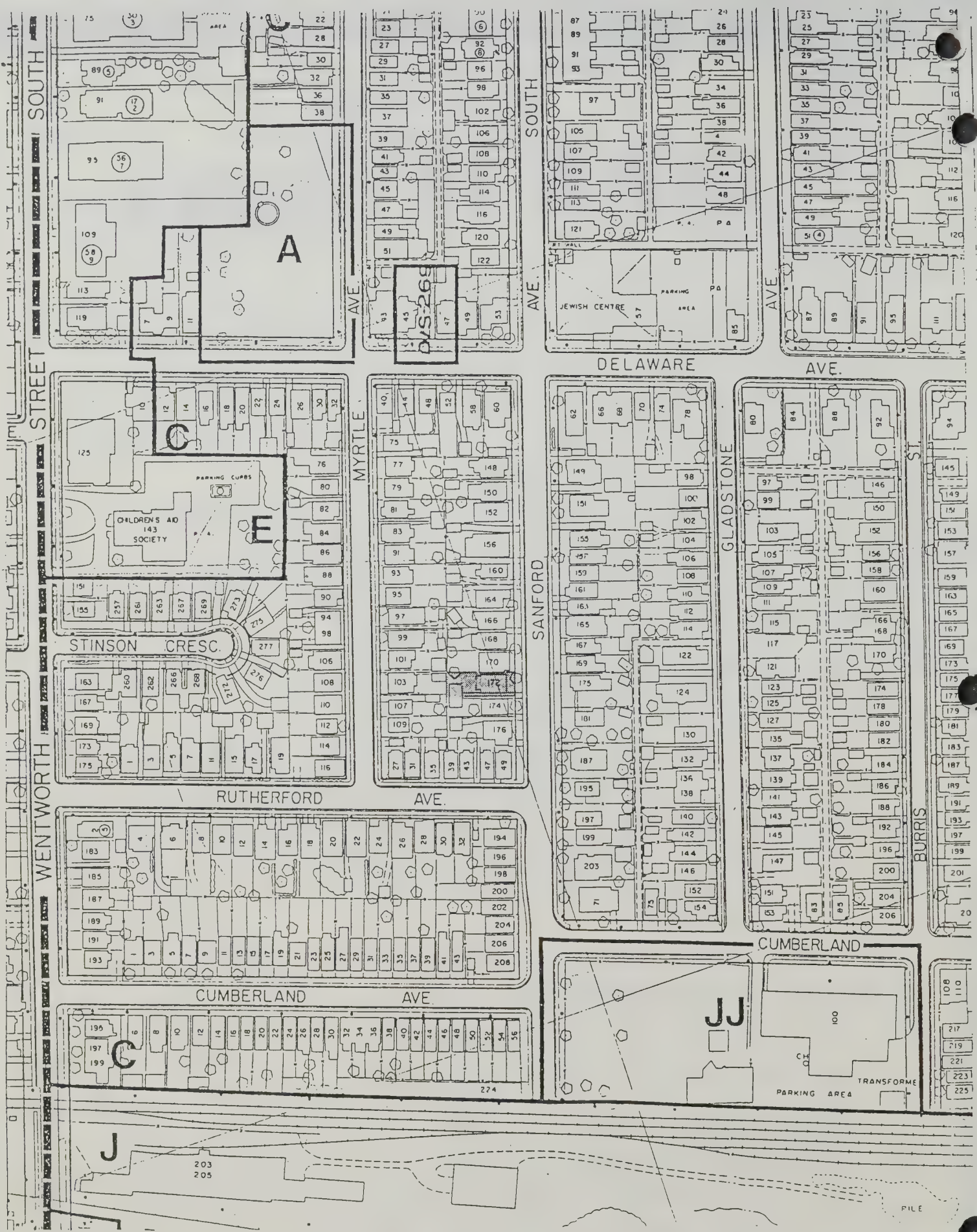
DATE _____

PHONE DIRECT 526-2782

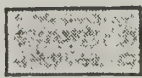
8 AM - 9 AM

APPENDIX C

FORM 49
SBF BUSINESS FORMS



LEGEND



SITE OF THE APPLICATION



ZA 90-41

APPENDIX A

12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 7, 1991
ZA-90-87
Gurnett Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

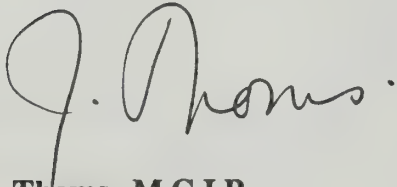
Request for a change in Zoning - No. 295 Green Cedar Drive (St. Vincent de Paul School).

RECOMMENDATION:

That Zoning Application 90-87, Hamilton-Wentworth Roman Catholic Separate School Board, owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District modified, to "C" (Urban Protected Residential, etc.) District, to remove the subject lands from the jurisdiction of Site Plan Control, for property located at No. 295 Green Cedar Drive (St. Vincent de Paul School), as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) Site Plan Control affords the municipality the opportunity to review building location, access, etc. to determine impacts on surrounding land uses. Given the size, location, range of activities and extended hours of operation, schools have the potential to impact the surrounding community, particularly where they are located in the interior of neighbourhoods adjacent to low density residential uses. Both portables and future additions can alter the character of school sites and in this regard, it is appropriate to retain Site Plan Control.

- ii) Approval of the application would encourage other similar applications which if approved, would diminish the City's opportunity for a detailed review and assessment of a proposed development by staff (ie. Planning and Development Department, Traffic Department, etc).



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Hamilton-Wentworth Roman Catholic Separate School Board, owner.

BACKGROUND:

- By-law No. 79-275

Site Plan Control By-law 79-275, as amended by By-law 87-223, requires that all developments in a "D" District, with the exception of one and two-family dwellings, submit site plans for the City's approval.

The School Board wishes to change the zoning to "C" so that the school site will not be under Site Plan Control. In this regard, any extensions of the school site (ie. portables, additions) would not require the Board to submit site plans for approval.

- DA 90-70

In September 1990, the Board applied for and received approval to construct four portable classrooms on the site.

LOT SIZE AND AREA:

The property is irregular in shape having:

- 73.66 m (241.66 ft.) of lot frontage on Green Cedar Drive;
- 217.4 m (713.28 ft.) of lot depth; and,
- 1.4 ha (3.46 ac.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|---------------------------------|--------------------------|---|
| <u>Subject Lands</u> | school | "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north,
south and west | single-family dwellings | "R-4" (Small Lot Single-Family Dwelling Detached) District |
| | | "C" (Urban Protected Residential, etc.) District |
| to the east | vacant | "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated "MAJOR INSTITUTIONAL" on Schedule "A". The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "CIVIC AND INSTITUTIONAL" in the approved Gurnett Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency has no comments or objections:

- Hamilton Region Conservation Authority.

- The Building Department has advised:

"Presently, the lands are subject to Site Plan Control Application DA 90-70."

- The Traffic Department has advised:

"It would be our preference to keep this site under site plan control so that we would have an opportunity to assess and comment on the impact of any additional or intensified uses in relation to the surrounding neighbourhood."

- The Hamilton-Wentworth Engineering Department has advised:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

Any works which may occur within the Green Cedar Drive road allowance must conform to the City of Hamilton Streets By-law.

Any new or altered access requires approval from the City of Hamilton Traffic Department."

COMMENTS:

- 1) The proposal complies with the Official Plan and the approved Gurnett Neighbourhood Plan.
- 2) The proposal cannot be supported for the following reasons:
 - a) Site Plan Control affords the municipality the opportunity to review building location, access, etc. to determine impacts on surrounding land uses. In effect, the purpose of Section 40 of the Planning Act is to ensure that site plans provide the best possible interrelationship between properties. Given the size, location, range of activities and extended hours of operation, schools have the potential to impact the surrounding community, particularly where located in the interior of neighbourhoods adjacent to low density residential uses. Both portables and future additions can alter the character of the site and in this regard, it is appropriate to retain site plan control.
 - b) Approval of the application would encourage other similar applications which if approved, would diminish the City's opportunity for a detailed review and assessment of a proposed development by staff (ie. Planning and Development Department, Traffic Department, etc.).
- 3) Schools are permitted as-of-right in all zoning districts throughout the City. Site Plan Control only applies where the school is in a district that is included under Site Plan Control (By-law 79-275).

The Hamilton-Wentworth Roman Catholic School Board has approximately 46 school sites, of which 11 (24%) are located in districts where site plan approval is required. The Hamilton Board of Education has 16 of 95 school sites (17%) which are situated in districts under the jurisdiction of Site Plan Control.

Traditionally, the majority of the schools are located in the "C" District given their location within the centre of neighbourhoods. The "C" District is not under Site Plan Control.

However, given the nature of school development and its potential impact on surrounding land uses, Committee may wish to consider placing all schools under the jurisdiction of Site Plan Control. This would enable the City to ensure that the best possible interrelationship between adjoining properties is achieved.

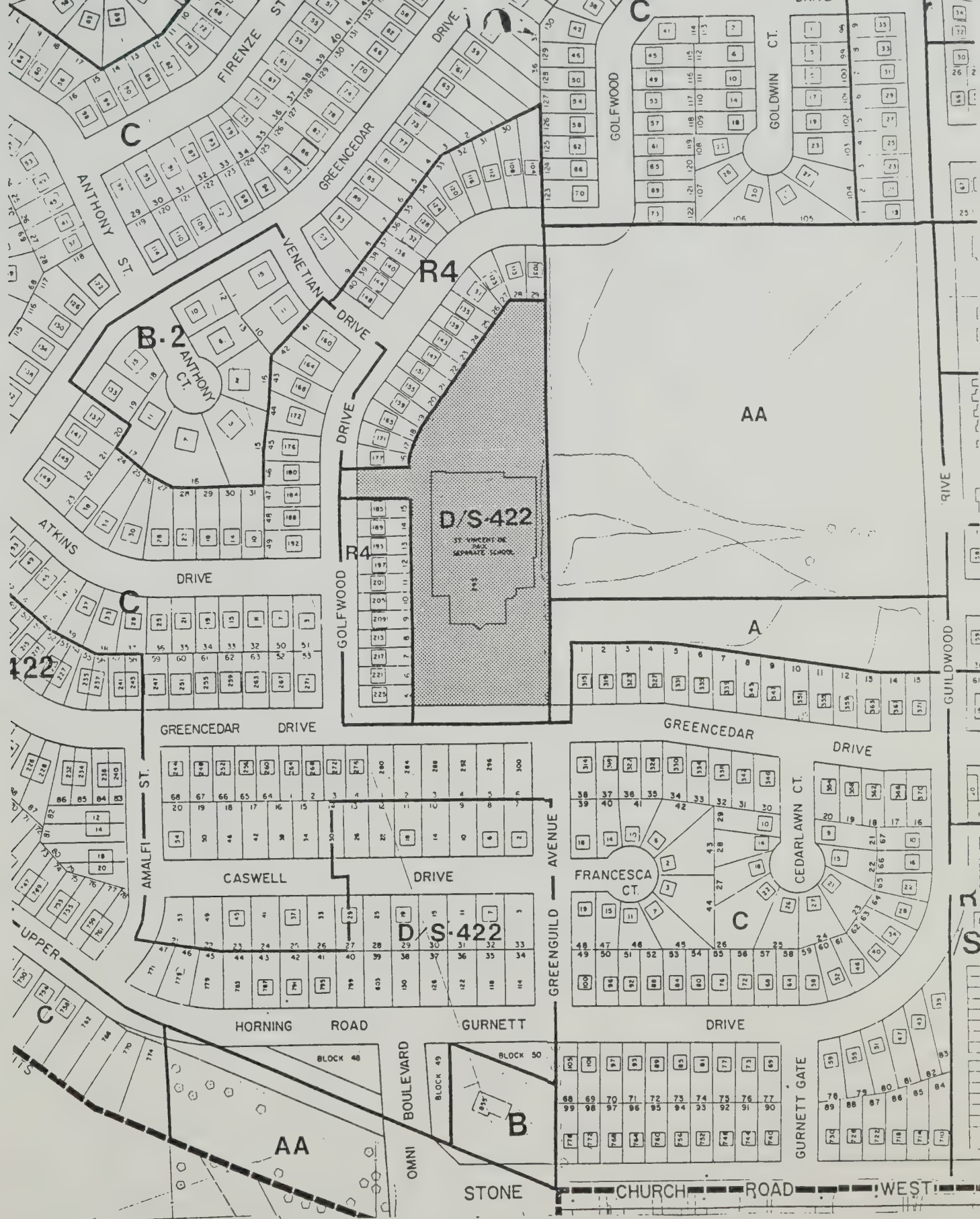
For the information of the Committee, both the Town of Ancaster and the City of Stoney Creek require site plan approval for schools.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma

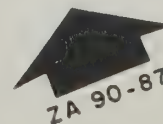
WPZA9087



LEGEND



SITE OF THE APPLICATION



K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



Urban Municipal
Librarian

HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

THE CITY OF HAMILTON
THE CITY CLERK

URBAN/MUNICIPAL
CA4 ON HBL A05
C 51 P4 1991

1991 March 28th

URBAN MUNICIPAL

NOTICE OF MEETING

GOVERNMENT DOCUMENTS

Planning and Development Committee
Wednesday, 1991 April 3rd
9:30 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

AGENDA

1. Consent Agenda.

PARKS AND RECREATION COMMITTEE

2. Parkland Acquisition and Development - Implementing Revenue Producing Strategies.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

3. Legislation for Exterior Building Cleaners/Sandblasters - Proposed amendments to Building Code Act and Municipal Act.

DIRECTOR OF LOCAL PLANNING

4. Halton Regional Plan - Review Report - Request for comments.
5. Site Plan Control Application DA-91-08, Frederick and Gwynette Seymour, owners, of lands known as 60 and 70 West Avenue South; Stinson Neighbourhood.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. City Initiative 90-E, for an amendment to the Official Plan, change in zoning from "R-1" to "B-2" and to include the lands in the Gershome Neighbourhood Plan for lands located on the west side of Centennial Parkway South (Hwy. #20) and north of the T.H.& B. railway tracks; Gershome Neighbourhood.
7. Subdivision Application 25T-90027 and Zoning Application 90-94, Ferrell Builders' Supply Limited and Adorn Investments Limited, owners, for a change in zoning from "R-2" to "R-4" and "H" modified to "R-4" for the rear part of properties at 109 and 115 Hwy. No. 8; Riverdale East Neighbourhood.
 - (a) Submission - Patricia MacKinnon, 99 Donn Avenue, Unit 405, Stoney Creek.
8. Zoning Application 90-95, F. and A. Fontana, owners, for a change in zoning from "AA" to "C" for the rear part of the property at 852 West Fifth Street; Gourley Neighbourhood.

10:45 O'CLOCK A.M.

9. Zoning Application 89-95, Diton Construction Ltd., applicant, for a modification to the established "D" District for property at 323 and 325 Wentworth Street North; Landsdale Neighbourhood.
10. Zoning Application 91-02, 789149 Ontario Inc. (K. Murphy), owner, for a modification to the "E-3" District for properties at 126 and 128 Young Street; Corktown Neighbourhood.
 - (a) Submission - 805687 Ontario Limited, 75 Young Street.
11. Other Business.
12. Adjournment.

PLANNING AND DEVELOPMENT COMMITTEE
WEDNESDAY, 1991 APRIL 3RD
C O N S E N T A G E N D A

BUILDING COMMISSIONER

A. Demolition Permit Applications:

(a) 221 Brant Street

(b) 219 Brant Street

CITY OF HAMILTON

- RECOMMENDATION -

A (a)

DATE: 21 March 1991

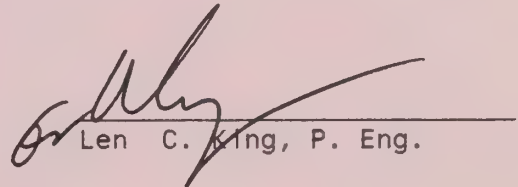
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
221 Brant Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 221 Brant Street.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industry, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Future roadway.

BRIEF DESCRIPTION: One storey brick dwelling in a slightly neglected condition.

It is the intention of the City to demolish the existing single family dwelling to make room for a proposed roadway. Lot size 30.0' X 80.0'.

The owner of the property as per the demolition permit application is:

City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Real Estate Division Telephone 546-2738

CITY OF HAMILTON

- RECOMMENDATION -

A(b)

DATE: 21 March 1991

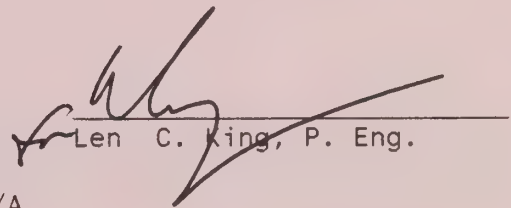
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
219 Brant Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 219 Brant Street.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industry, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Future roadway.

BRIEF DESCRIPTION: 1-1/2 storey brick veneer wood frame dwelling in fair condition.

It is the intention of the City to demolish the existing single family dwelling to make room for a proposed roadway. Lot size 30.0' X 80.0'.

The owner of the property as per the demolition permit application is:

City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Real Estate Division Telephone 546-2738

2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 28

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C.J. Coutts, Acting Secretary
Parks and Recreation Committee

SUBJECT: Parkland Acquisition and Development -
Implementing Revenue Producing Strategies

RECOMMENDATION:

- (a) That the Planning and Development Committee be requested to investigate the potentials for implementing additional revenue producing strategies for parkland acquisition and development including Provincial and Federal programmes and increasing the standards for parkland dedication, as authorized in the Planning Act.
- (b) That staff be requested to prepare a report within the next two months on this item.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Coutts

N/A

BACKGROUND:

The Parks and Recreation Committee at its meeting held 1991 March 19 was in receipt of a report dated 1991 March 13 from the Chief Administrative Officer respecting Park Expenditure Policies. This report was referred back to staff to include a comparison of the proposed revised and present Park Expenditure Policy, the rationale for the proposed policy changes and the implementation of this policy.

The strategies and policies contained in the revised 1991 edition of the Park Expenditure Policies as contained in the report submitted by the Chief Administrative Officer will be considered by the Parks and Recreation Committee at its meeting to be held 1991 April 23.

cc: Mr. L. Sage, Chief Administrative Officer
Mr. J. Pavelka, Director of Public Works
Mr. A. Georgieff, Director of Local Planning
Mr. E. Matthews, City Treasurer
Mr. D. Vyce, Director of Property
Mr. R. Sugden, Director of Culture & Recreation

3.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 28

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: LEGISLATION FOR BUILDING
CLEANERS/SANDBLASTERS - PROPOSED
AMENDMENTS TO BUILDING CODE ACT AND
MUNICIPAL ACT

RECOMMENDATION:

- a) That the City of Hamilton request the Provincial Government to amend:
- (i) The Building Code Act to require the issuance of building permits for exterior building cleaning (including sandblasting); and,
 - (ii) The Municipal Act to enable municipalities to examine and licence exterior building cleaners (including sandblasting).
- b) That recommendation (a) (ii) be forwarded to the Finance and Administration Committee for approval.

Coutts

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1991 March 18 expressed concern that no legislation exists to prevent sandblasting, a building cleaning process particularly harmful to many 19th Century buildings in Hamilton. The Committee has always discouraged sandblasting because of its detrimental effects on a building's exterior; however, the Committee has no means of preventing it.

A requirement of a building permit or the licensing of building cleaners would enable the municipality to control sandblasting. Applications to clean buildings listed as historically and/or architecturally significant, would be referred to LACAC for comment.

In controlling this problem, the City could inform the public on the harmful results of sandblasting and recommend alternate methods of cleaning brick and stone masonry.

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department
Mr. L. King, Building Commissioner
Mr. S. Dembe, Manager, Licensing Division
Mr. J. Thompson, Secretary
Finance and Administration Committee

CITY OF HAMILTON

- RECOMMENDATION -

4.

DATE: 1991 March 27
(P7-3-5)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

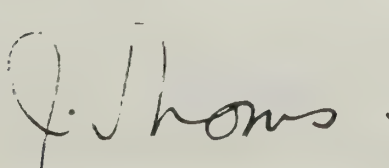
Halton Regional Plan Review Report - Request for Comments.


RECOMMENDATION:

That the Planning and Development Committee recommend to Council that the Clerk be directed to advise the Regional Municipality of Halton that proposals outlined in the Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)" has no impact on the planning intentions of the City of Hamilton. The City would, however, appreciate the opportunity to comment on any future amendments to Halton Region's Official Plan that are prepared as a result of the public input received on this Report.

EXPLANATORY NOTE:

Halton Region has requested the City's comments, amongst others, on their Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)", prepared as part of the major five year review of the Halton Regional Official Plan.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


L. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND AND REPORT:

Halton Region is undertaking a major review of their Official Plan. As part of this review, a report titled "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)", has been prepared. This Report is being circulated to Provincial Ministries, agencies, other interest groups and Halton residents for their review and comment. The report presents Halton Regional Council's view on a vision for the Region in the long term.

In supporting this report, Halton Council has endorsed the principle of sustainable development. In addition, a list of "land form permanence" has been endorsed including: the Niagara Escarpment; Environmentally Sensitive Areas; streams, valleys, wetlands, and ground water recharge areas; farmlands; woodlots and forests; open spaces and rural areas. To implement the concept of "land form permanence", two guiding principles were adopted including: "land stewardship" and "healthy communities".

The report states that the "majority" of the Region's Official Plan should be retained and the remainder be revised or replaced. The changes advocated in the report attempt to reflect the objective of "land stewardship" and "healthy communities" and include the following:

- growth;
- transportation and urban forms;
- natural environment;
- rural settlement and resources; and,
- human settlement.

It is intended the Report will serve as a forum for discussion with the public, agencies and other interest groups. There will be public open houses and a formal public meeting held to receive comments from the public. Based on this input, specific amendments to the Region Official Plan will be formulated.

IMPLICATIONS:

The report outlines a philosophy for the future of Halton Region based on two guiding principles: "land stewardship" and "healthy communities". Given these guiding principles, broad changes to the Region's Official Plan were identified to achieve these principles.

Given the broad generalities of this Report, there is little to comment on regarding any specific implications to the City of Hamilton. The City's main concerns with respect to planning in Halton Region would include the waterfront and transportation (i.e. potential linkages). The Report notes that the existing waterfront policies will remain and be reinforced by the policies to be developed on the "natural environment". The focus on transportation appears to be on public transit linkages to Regional and Local sub-centres within the Region, and the encouragement of increased densities and mixed uses within these centres.

In summary, there appears to be little in the Report that has any specific implications on the City. When the specific amendments to Halton's Regional Official Plan are prepared as a result of public input, the City should request the opportunity to review and comment in more detail on specific changes proposed to the Plan.

CONCLUSIONS:

Based on the foregoing, the Committee should recommend to Council that the Clerk be requested to advise the Regional Municipality of Halton that the Halton Regional Plan Report B4 - "Land Stewardship and Healthy Communities" has no impact on the Planning intentions of the City of Hamilton. The City would, however, appreciate the opportunity to comment on any specific amendments proposed to Halton Region's Official Plan that may arise from the public input from this report.



CF/dkp

A:\POLICY.GEN

CITY OF HAMILTON
- RECOMMENDATION -

5.

DATE: March 27, 1991
DA-91-08 (ZA-90-78)
(ZA-87-82)
Stinson Neighbourhood

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Site Plan Control Application DA-91-08 for a residential care facility at 60 & 70 West Avenue South.

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-91-08 by Frederick and Gwynette Seymour, owners of lands known as 60 & 70 West Avenue South for a residential care facility subject to the following:
 - i) modification to the plan in relation to notes and dimensions as marked in red on the plan;
 - ii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department; and further,
2. That in regard to Zoning Application ZA-90-78, the following resolution be forwarded to City Council for approval;

That Section 17(a) of the Twenty-Second Report for 1990 of the Planning and Development Committee to City Council, approved on 1990 December 11th, in regard to Zoning Application ZA-90-78 by Gwynette and Frederick Seymour, owners of land at 70 West Avenue South, be amended as follows:

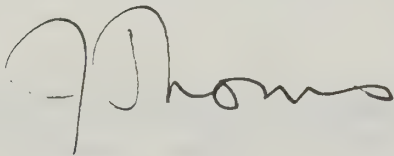
- A) amend clause (i)(2.) and (3.) by changing the number of parking spaces from "four" to "three."
- B) add the following clause as (i)(4.):

"That notwithstanding Section 11.(4)(i) of By-law No. 6593, a minimum lot width of 11.43 m (37'-6") shall be permitted."

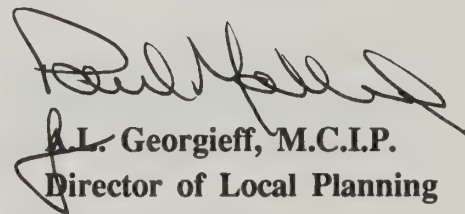
Explanatory Note

The change to the number of parking spaces provided, from four (4) to three (3), is necessary in order to preserve an existing tree that would otherwise have to be removed to accommodate the fourth parking space at the rear of the development.

The change in the minimum lot width is necessary in order to recognize the existing lot width. The lot width was established when the site was used as a private residence.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



J.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

ZA-90-78

The Planning and Development Committee, at its meeting held on December 5, 1990, approved Zoning Application 90-78 by Gwynette and Frederick Seymour, to permit the conversion

of the existing dwelling at 70 West Avenue South for a residential care facility to accommodate 15 elderly residents. Approval of the application was conditional on the amending By-law not being forwarded for passage by City Council until such time as the applicant applied for and received approval for site plans regarding parking for 60 and 70 West Avenue South.

Proposed Plan

Plans have been submitted for a residential care facility at 60 & 70 West Avenue South. The details of the developments are as follows:

- Net Lot Area
 - 60 West Ave. South - 417.0 m² (4,485 sq. ft.)
 - 70 West Ave. South - 421.0 m² (4,538 sq. ft.)
- No. of Beds
 - 60 West Ave. South - twenty (20)
 - 70 West Ave. South - fifteen (15)
 - TOTAL 35 beds
- Building Height
 - 12.0 m (40')
 - three (3) storeys
- No. of Parking Spaces Provided
 - 60 West Ave. South - six (6)
 - 70 West Ave. South - three (3)
 - TOTAL 9

The existing landscape treatment along West Avenue South is to be maintained.

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department has advised that the grading plan is satisfactory. However, the applicant should be advised the alley to the rear of these properties is unassumed therefore access to the rear parking area cannot be guaranteed.

Furthermore, the Engineering Department does not recommend the applicant initiate procedures for the City to assume the portion of the alley abutting his property, as a condition of Site Plan Approval.

The Building Department has reviewed the plans submitted and have forwarded the following comments:

A) 60 WEST AVENUE SOUTH

- "1. Six (6) parking spaces are required. Five (5) are shown.
2. Length of parking space should be 19.68'. Shown is 19.5'.
3. Landscape area required 25%, no amount is shown."

B)

- "1. Four (4) parking spaces are required. Three (3) are shown.
2. Minimum lot width is 39.37' (12 m), shown is 37'.6" (11.43 m).
3. Landscape area required 25%, no amount is shown; and

Further to the above-mentioned comments the Building Department have found no requirement in By-law 6593 which would necessitate the City to assume the alley behind the subject properties."

The Traffic Department has reviewed the plans submitted and have forwarded several comments with respect to parking and manoeuvring on site. (see attached comments).

Furthermore, they wish to advise that they do not object to allowing the status of the alley to remain as "Public Unassumed."

The Hamilton Street Railway has reviewed the plan submitted and is not opposed to the development.

COMMENTS:

Various modifications are required to the plan in relation to notes and dimensions and have been marked in red on the plans.

With respect to the comments made by the various departments and/or agencies the applicant has agreed to modify the plans accordingly and as shown in red on the attached plan.

With respect to the comments regarding the alleyway at the rear of the subject properties, it should be noted that all departments have advised that it is not necessary and do not recommend that the "Public Unassumed" alleyway be "Assumed", as a condition of Site Plan Approval.

The landscape treatment for the development could be enhanced by providing additional landscaping in the rear yard, specifically between the parking area and sodded area (passive open space), thus creating a sense of spacial separation between the two uses. Furthermore, it is recommended that a walkway be provided from the parking area to the rear and/or side entrances of the facility. A revised landscape plan should therefore be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

With respect to the proposed amendments to the pending zoning by-law, the reduction in parking from four (4) spaces to three (3) spaces was requested by the owner in order to preserve a large existing tree at the rear of 70 West Avenue. However, construction of the parking area will still have a negative impact on the existing tree. Thus it has been recommended that additional plantings be provided, since it may eventually be necessary to remove the existing tree.

Furthermore, the amendment to the minimum lot width of 70 West Avenue South is necessary in order to recognize the existing lot width which was established when the property was a private residence.

It is therefore recommended that the previously approved resolution (Item 17.(a) 22 R.P.D.C.) be appropriately amended to incorporate the foregoing variances.

JL:mv/ns/dkp

A:\DA9108



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1991 February 13

Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attn: Mr. Paul Mallard

Dear Sir:

Re: **DA-91-08**
60 and 70 West Avenue South

In response to your letter of 1991 January 18, please be advised that we have reviewed the above-noted application and have the following comments.

The applicant has indicated on the site plan that additional parking could be provided in the front yard of 60 West Avenue South. The applicant should be advised that West Avenue South terminates just north of the south property line of 60 West Avenue South. To provide parking in this area would require West Avenue South to be extended and a guy wire to be relocated. Also, these spaces would require a commercial boulevard agreement. The parking arrangement of the rear property, as shown on the site plan, allows five vehicles to be parked in this area. Six parking spaces are required by the zoning by-law. This arrangement would require the existing light standard, not shown on the site plan, to be relocated. We support the parking scheme that was agreed to by the applicant in zoning application ZA-87-82. This concept allows six vehicles to be parked in the rear with four vehicles having access from the alley and two vehicles having access from Hunter Street. This parking scheme is shown in red on the attached plan.

The residential care facility at 70 West Avenue South requires four parking spaces to be located on-site. The property is wide enough to allow for four parking spaces to be located in the rear, however, the fourth parking space would require the removal of two mature trees.

The applicant has indicated that three additional parking spaces could be located in the front yard, (on City boulevard) two of which interfere with existing trees. One parking space could be located in the centre of the front yard without affecting the trees. We would suggest that the applicant provide and maintain one parking space in the front yard via a commercial boulevard parking agreement and apply for a further variance to the by-law which would reduce the on-site parking requirement to three spaces so long as the trees at the rear of the property remain. This would allow the trees in the rear property to remain while still providing four parking spaces adjacent to the site.

| PLANNING & DEVELOPMENT
LOCAL PLANNING DEPARTMENT | | | |
|---|------------|-------------|-----|
| File No. | | FEB 14 1991 | |
| TO | STAFF INIT | INFO | ACT |
| DIR. | | | |
| DESA | | | |
| DECH | | | |
| DEV. | | | |
| LEAD | | | |
| FP | | | |
| STAFF | | | |
| CART. | | | |
| ADMIN. | | | |

Should you require further information regarding these comments, please contact Sue Hayward at 546-4575.

Yours truly,



Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks
Attach.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1991 February 13

Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attn: Mr. Paul Mallard

Dear Sir:

Re: **DA-91-08**
60 and 70 West Avenue South

In response to your letter of 1991 January 18, please be advised that we have reviewed the above-noted application and have the following comments.

The applicant has indicated on the site plan that additional parking could be provided in the front yard of 60 West Avenue South. The applicant should be advised that West Avenue South terminates just north of the south property line of 60 West Avenue South. To provide parking in this area would require West Avenue South to be extended and a guy wire to be relocated. Also, these spaces would require a commercial boulevard agreement. The parking arrangement of the rear property, as shown on the site plan, allows five vehicles to be parked in this area. Six parking spaces are required by the zoning by-law. This arrangement would require the existing light standard, not shown on the site plan, to be relocated. We support the parking scheme that was agreed to by the applicant in zoning application ZA-87-82. This concept allows six vehicles to be parked in the rear with four vehicles having access from the alley and two vehicles having access from Hunter Street. This parking scheme is shown in red on the attached plan.

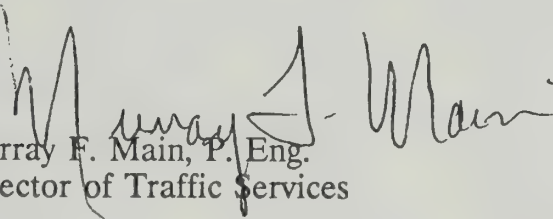
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The applicant has indicated that three additional parking spaces could be located in the front yard, (on City boulevard) two of which interfere with existing trees. One parking space could be located in the centre of the front yard without affecting the trees. We would suggest that the applicant provide and maintain one parking space in the front yard via a commercial boulevard parking agreement and apply for a further variance to the by-law which would reduce the on-site parking requirement to three spaces so long as the trees at the rear of the property remain. This would allow the trees in the rear property to remain while still providing four parking spaces adjacent to the site.

| PLANNING & DEVELOPMENT
LOCAL PLANNING DEPARTMENT | | | | |
|---|-----|-------------|------|-----|
| File No. | | FEB 14 1991 | | |
| TO | CTY | INT | INFO | DET |
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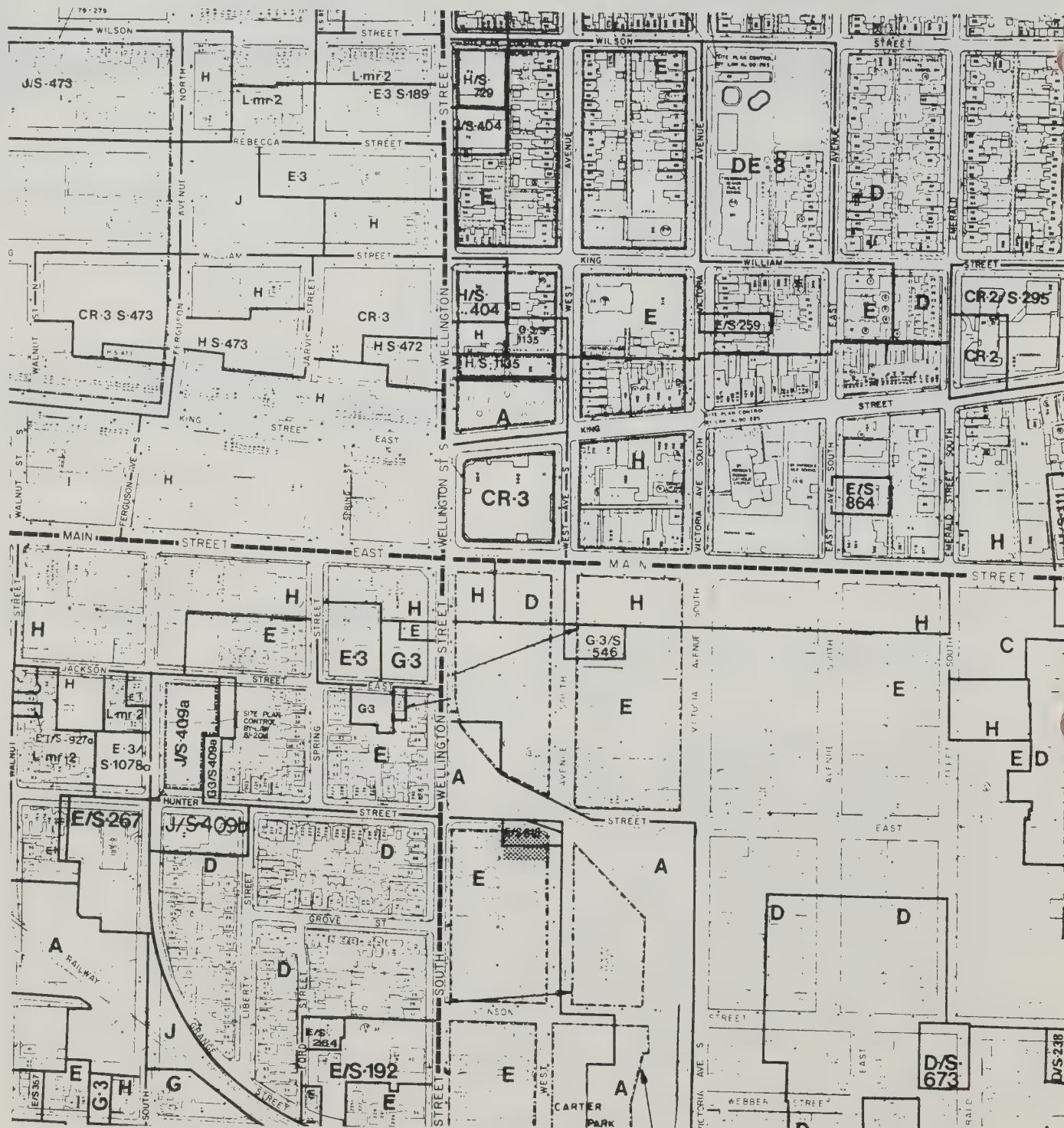
Should you require further information regarding these comments, please contact Sue Hayward at 546-4575.

Yours truly,

A handwritten signature in black ink, appearing to read "Murray F. Main". The signature is fluid and cursive, with a large initial "M" and a distinct "Main" at the end.

Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks
Attach.



STINSON No. 125

**Regional Municipality of Hamilton-Wentworth
Planning and Development Department**



Site of the Application

North

Scale
1:5000

Reference File No.
DA-91-08

Date
JANUARY, 1991

Drawn By
L.B.

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: March 21, 1991
Gershome Neighbourhood
(CI-90-E)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

City Initiative 90-E to establish the appropriate Official Plan and Neighbourhood Plan designations, and Zoning District - Property located on the east side of Webster Road, north of the T.H &B. Railway tracks.

RECOMMENDATIONS:

1. That approval be given to Official Plan Amendment No. to establish a "RESIDENTIAL" designation on Schedule "A", to include the lands in "Special Policy Area 1b" on Schedule "B", and to amend Schedules "C", "D", "F", "G" and "H" to extend the boundaries of the City limits, for property located on the east side of Webster Road, north of the T.H & B. Railway tracks, as shown on the attached map marked as APPENDIX "A", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to City Initiative 90-E, to establish the "B-2" (Suburban Residential) District regulations, to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek, for property located on the east side of Webster Road, north of the T.H &B. Railway tracks, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the subject lands be zoned "B-2" (Suburban Residential) District;
 - ii) That the "B-2" (Suburban Residential) District regulations, as contained in Section 8B of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - a) That Section 4.(3)(b) shall not apply.
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands be added to Zoning District Map E-107 and be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107 for presentation to City Council;
 - v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;
 - vi) That the approved Gershome Neighbourhood Plan be amended to include the subject lands within the Neighbourhood and to designate the lands, as shown on the attached map marked as APPENDIX "B", on the following basis:
 - a) Block "1" - "Open Space";
 - b) Block "2" - "Single and Double Residential"; and,
 - c) Block "3" - "Utilities".

EXPLANATORY NOTE

1. City Council will adopt Official Plan Amendment No. to establish a "RESIDENTIAL" designation on Schedule "A", to include the lands in "Special Policy Area 1b" on Schedule "B", and to amend Schedules "C", "D", "F", "G" and "H" to extend the boundaries of the City limits, for property located on the east side of Webster Road, north of the T.H. & B. Railway tracks, as shown on the attached map.
2. The purpose of the by-law is to establish the "B-2" (Suburban Residential) District regulations for lands on the east side of Webster Road, north of the T.H. & B. railway tracks, as shown on the attached map.

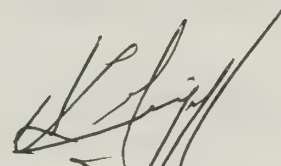
The effect of the by-law is to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek.

In addition, the by-law provides for the following variance:

- to exempt the dwellings from the provision which requires residential uses to abut a public highway at least 12.0 m in width.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1989, the City of Hamilton annexed the subject lands from the City of Stoney Creek. One of the conditions of the annexation is that the City of Hamilton establish the applicable by-laws for these lands.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- 303.3 m (995.2 ft.) of lot frontage on Webster Road; and,
- 2.35 ha (5.81 ac.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|-----------------------------|------------------------------------|---|
| <u>Subject Lands</u> | single-family dwellings | Residential "R1" Zone (Stoney Creek) |
| <u>Surrounding Lands</u> | | |
| to the north and west | single-family dwellings and vacant | "AA" (Agricultural) District |
| to the south (Stoney Creek) | escarpment | Private Open Space O1 Zone |
| to the east (Stoney Creek) | Highway 20, Battlefield Park | Private Open space O1 Zone
Public Open Space O2 Zone |

OFFICIAL PLAN:

Since the lands have been annexed recently, the City of Hamilton Official Plan does not include the subject lands. An Official Plan Amendment will be required to incorporate the lands into the Official Plan. To reflect the existing residential uses and proposed residential zoning, the lands should be designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policy sets out the primary permitted uses for RESIDENTIAL areas:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

In addition to the above, it should be noted that the subject lands are within the Niagara Escarpment Planning Area. The Niagara Escarpment Plan designates the subject lands "Urban Area". As such, the proposed O.P.A. should also include the lands within "Special Policy Area 1B" on Schedule "B"- Special Policy Areas.

In addition, the boundaries of Schedule "C" - Hazard Lands; Schedule "D" - Environmentally Sensitive Areas; Schedule "F" - Major Roads; Schedule "G" - Planning Units; and Schedule "H" - Community Improvement Areas should also be amended to include the subject lands.

NEIGHBOURHOOD PLAN:

The subject lands are proposed to be included as part of the Gershome Neighbourhood Plan and designated on the following basis (see APPENDIX "B"):

- Block "1" Open Space;
- Block "2" Single and Double Residential; and,
- Block "3" Utilities.

RESULTS OF CIRCULARIZATION:

- The following Department and Agencies have no comments or objections:

- Traffic Department;
- Health Department;
- City of Stoney Creek; and,
- Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are neither public watermains nor sanitary sewers available to service these lands. These lands cannot be serviced until the lands to the east have been developed.

Since Webster Road is a Given Road, the road allowance width must be established at 20.12 m. The property line should be established 10.06 m from the centreline of construction. According to the Gershome Neighbourhood Approved Plan, access from Webster Road will be internal with no access to Highway No. 20.

Prior to any development, Webster Road must be reconstructed to City of Hamilton standards.

Any works which may occur within the established road allowance of Webster Road must conform to the City of Hamilton Streets By-law.

Since the subject lands are adjacent to Highway No. 20, comments from the M.T.O. should be received."

- The Building Department has advised that:

- "1. It would appear that for reference purposes the existing District Map E-107 would be most suitable.
2. The road allowance of Webster Road shall have a minimum width of 12.0 m.
3. If the lots abut both road allowances of Webster Road and Highway #20 they would be considered "through lots" which will restrict future development."

- The Ministry of Transportation has advised that:

"1. Access

No direct access will be permitted for the proposed use, as a higher traffic volume entrance would be unsafe in the proposed location due to:

- restricted visibility attributed to curves, grades, physical obstructions (bridge decks/handrails, rocks, buildings, etc.)
- alternative access to Webster Road is available.

2. Building Setbacks

Our normal setback of 13.7 m for multi-family residential dwellings from our existing or future highway right-of-way limit will apply.

Our normal setback of 7.62 m for single-family residential dwellings from our existing or future highway right-of-way limit will apply. We have no plans to widen this highway at this time.

Signs

The Ministry also controls signs within 400 m of the right-of-way limits of this highway."

COMMENTS:

1. An Official Plan Amendment is required to designate the lands "RESIDENTIAL" on Schedule "A" and "Special Policy Area 1B" on Schedule "B". In addition, amendments to Schedules "C", "D", "F", "G" and "H" are required to extend the City limits.
- 2) A Neighbourhood Plan Amendment is required to designate the lands for "Open Space" (Block "1"), "Single and Double Residential" (Block "2") and "Utilities" (Block "3").

- 3) The establishment of designations in the Official Plan, Neighbourhood Plan and Zoning By-law is necessary so the subject lands are covered by City of Hamilton municipal planning controls, in accordance with the provisions of the Planning Act.
- 4) The proposed "B-2" zoning most closely correlates to the current "R1" zoning in Stoney Creek;

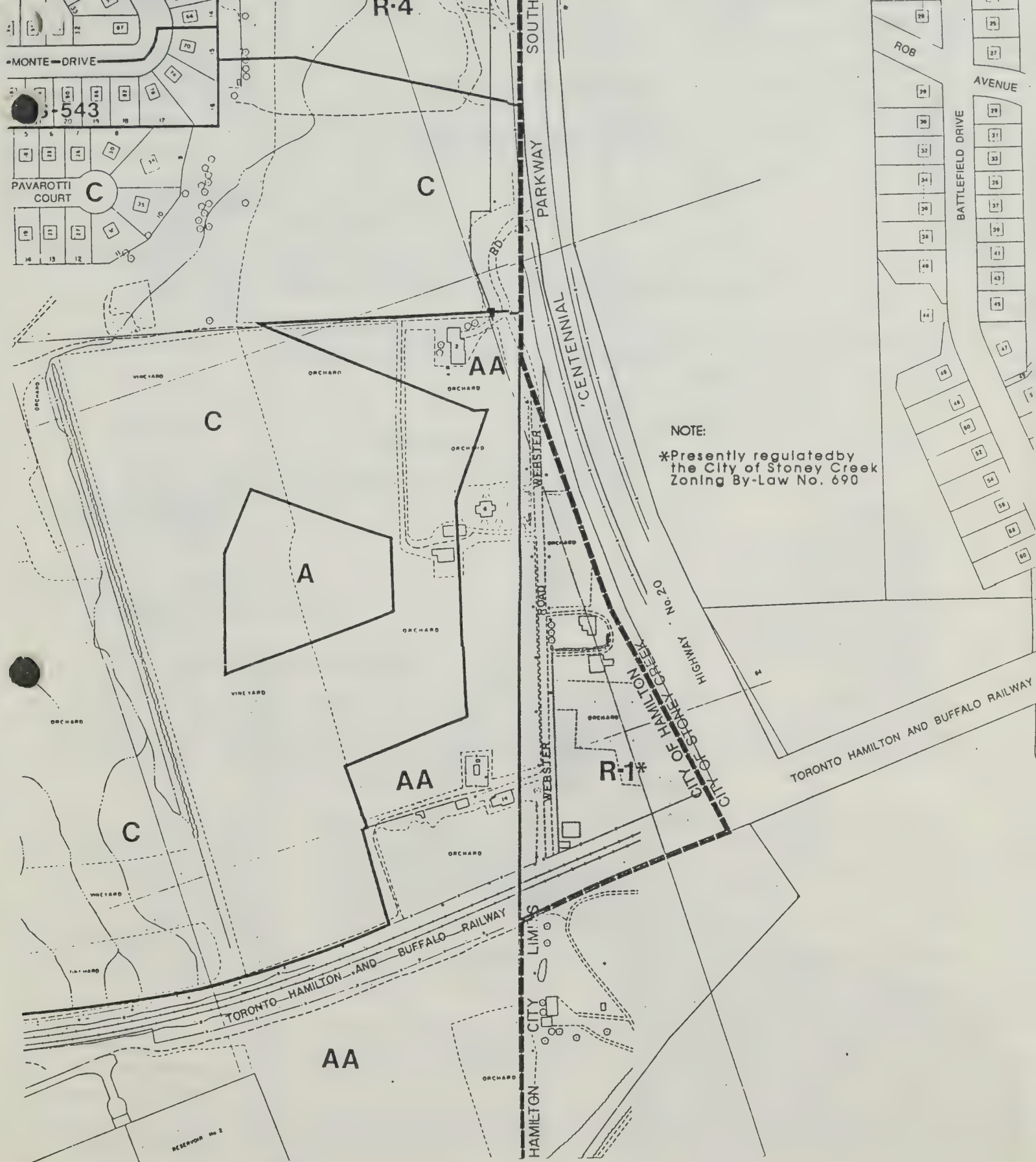
| | Stoney Creek | Hamilton |
|--------------------|---------------------|--------------------|
| <u>Requirement</u> | <u>R1</u> | <u>B-2</u> |
| frontage | 15 m | 15 m |
| lot area | 464. m ² | 540 m ² |
| front yard | 7.5 m | 6.0 m |
| rear yard | 7.5 m | 7.5 m |
| side yard | 1 to 2 m | 1.5 m |
| lot coverage | 35% | N/A |
| building height | 10.5 m | 2 1/2 storeys |
| parking spaces | 1 | 1 |

The existing house, adjacent to the T.H.& B. tracks, does not appear to meet the front yard setback, accordingly, the location of the house will become legal non-conforming.

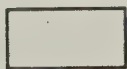
In response to the Building Department's comments indicating that the majority of the land is a "through lot", it should be noted that when the lands are eventually redeveloped/ subdivided then a one foot reserve should be placed along the boundary of Highway 20 to eliminate the "through lot".

CONCLUSION:

Based on the foregoing, the proposal can be supported.



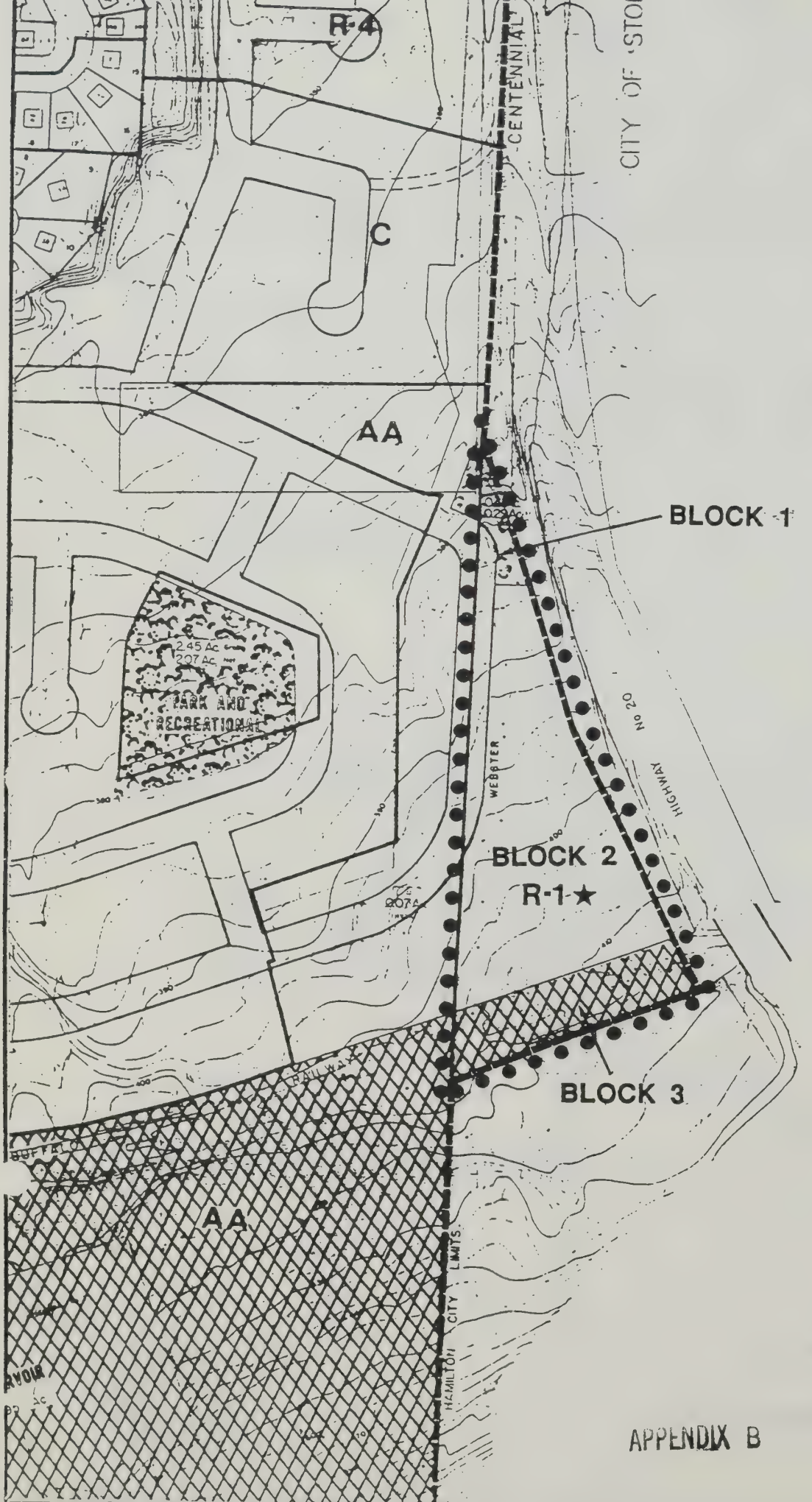
Legend



SUBJECT LANDS



APPENDIX A



LEGEND

PROPOSED NEIGHBOURHOOD PLAN DESIGNATIONS

• • • SUBJECT LANDS

LAND USE



BLOCK 1
OPEN SPACE



BLOCK 2
SINGLE & DOUBLE



BLOCK 3
UTILITIES

NOTE:

★ Presently regulated by
the City of Stoney Creek
Zoning By-Law No. 690

EXISTING POPULATION (1988) 1421

LAND USE

RESIDENTIAL



single & double
attached housing
low density apartments
medium density apartments
high density apartments
commercial & apartments



COMMERCIAL



INDUSTRIAL



CIVIC & INSTITUTIONAL



PARK & RECREATIONAL



OPEN SPACE



UTILITIES



COMM./RESIDENTIAL CONSERVATION

--- Neighbourhood Boundary
--- Zoning Boundary

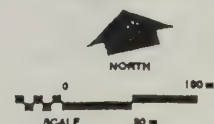
Approvals

Planning Committee MAY 2, 1988 Council JUNE 11, 1988

Latest Revision Date AUGUST 2, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

GERSHOME
APPROVED PLAN



APPENDIX B

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 March 25

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Proposed Draft Plan of Subdivision, "Queenston Heights".
Proposed Rezoning Application.
(25T-90027)
(ZA-90-94)

RECOMMENDATION:

(1) Subdivision Application:

- (A) That approval be given to Application 25T-90027, Ferrell Builders Supply Limited and Adorn Investments Limited, owners, to establish a draft plan of subdivision in the area north of Highway No. 8, east of Donn Avenue, subject to the following conditions.
- (1) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated November 15, 1990, revised to add 2 additional blocks for development with abutting lands (if required) and now showing 26 lots, 5 blocks for development with abutting lands (Blocks "27", "28", "29", "32" and "33"), and 2 blocks for 0.3 m. reserves (Blocks "30" and "31").
 - (2) That the plan not receive final approval until municipal services are available from the lands to the west.
 - (3) That the centre line of proposed Berkindale Drive align with the centre line of future Berkindale Drive to be established over lands to the east and west.
 - (4) That the streets be dedicated as public highways to the City of Hamilton on the final plan.

- (5) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (6) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (7) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (8) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
 - (9) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (10) That the dead-ends of the road allowance created by the plan be terminated in 0.3 reserves (Blocks "30" and "31") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances.
 - (11) That Blocks "27", "28", "29", "32" and "33" be developed only in conjunction with abutting lands.
 - (12) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
 - (13) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (B) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90027) Ferrell Builders Supply Limited and Adorn Investments Limited, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(2) Rezoning Application:

That approval be given to Zoning Application 90-94, Ferrell Builder's Supply Limited and Adorn Investments Limited, owners, requesting changes in zoning from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family

Detached) District (Block "2"), to permit the development of the subject lands for "small lot" single-family detached houses, for the rear part of lands municipally known as Nos. 109 and 115 Highway No. 8, as shown on the attached map marked as APPENDIX "A", on the following basis:

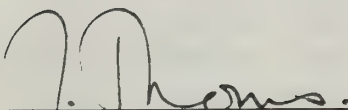
- (i) That Block "1" be rezoned from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (ii) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;
- (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Explanatory Note:

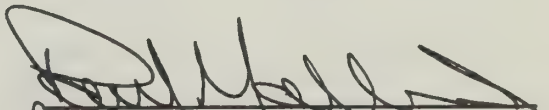
The purpose of the by-law is to provide for changes in zoning for the rear part of lands municipally known as Nos. 109 and 115 Highway No. 8, as shown on the attached map on the following basis:

- Block "1" - From "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- Block "2" - From "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.

The effect of the by-law is to permit the development of the subject lands for "small lot" single-family detached houses.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Ferrell Builders Supply Limited and Adorn Investments Limited, Hannon and Stoney Creek, Ontario.

Surveyor/Agent:

A. J. Clarke and Associates Limited, Hamilton, Ontario.

Location:

The lands, comprising 1.206 ha, are located in the area north of Highway No. 8, east of Donn Avenue in the Riverdale East Neighbourhood, City of Hamilton.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------------|--|---|
| <u>Subject Lands</u> | Vacant | "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

"H" (Community Shopping and Commercial, etc.) District. |
| <u>Surrounding Lands:</u> | | |
| To the north | Single-family and two-family dwellings | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District. |
| To the south
(Stoney Creek) | Commercial | "G-3" (General Commercial) Zone. |
| To the east | Vacant | "AA" (Agricultural) District. |
| To the west | Vacant | "R-2" (Urban Protected Residential - One and Two-Family Dwellings) District. |

SUBDIVISION PROPOSAL:

The owners propose to subdivide the lands into 26 lots for zero lot line single-family dwellings, 3 blocks for development with abutting lands and 2 blocks for 0.3 m reserves. The minimum lot size proposed has a width of 10.0 m and an area of 302.5 m².

REZONING PROPOSAL:

The owners propose to rezone the lands from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District and "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas" The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double" use. The proposal complies.

Zoning - the changes noted on Appendix "A" are required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

(1) Subdivision Application:

The following agencies have advised that they have no comment or objection toward the proposal.

- Ministry of Transportation (subject to concern re street width).
- Ministry of Natural Resources.
- Ministry of Culture and Communications (subject to standard archaeological conditions).
- Union Gas, Ontario Hydro, Bell Telephone.
- City of Hamilton Board of Education.
- City of Hamilton Traffic Department.
- City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations.

"For Information:

- (1) That a Municipal watermain is available on Sylvester Street and is of sufficient capacity to service this proposed development.
- (2) That Municipal Storm and Sanitary Sewers are not available at the present time to service this proposed development directly. The proposed development will have to await the installation of Storm and Sanitary Sewers from the west through private lands to the west limit of the subdivision.
- (3) There will be no Regional share for services in this subdivision.

Recommendations:

- (1) That the plan not be registered until services are available from the west.
- (2) The owner must enter into Subdivision Agreements with the City of Hamilton and the regional Municipality of Hamilton-Wentworth prior to the development of any portion of the lands.
- (3) That the centreline of the proposed west leg of Berkindale Drive align with the centreline of the future City Street (Part 18 Plan 62R-8380) to the west and that the centreline of the proposed east leg of Berkindale Drive align with the centreline of Berkindale Drive existing to the east of this subdivision.
- (4) That Blocks "27" and "28" only be allowed to develop when lands to the east develop.
- (5) That a 0.30 metre reserve be established at the termination points of the proposed road allowance.

The submitted plan as prepared by A. J. Clarke and Associates Ltd. and dated November 15, 1990, is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations".

(2) Rezoning Application:

- The following Departments and Agency have no comments or objections:
 - Building Department
 - Traffic Department; and,
 - Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised:

"There are external watermains and separate storm and sanitary sewers can be made available to service these lands. Internal servicing, road requirements, etc., will be dealt with through the draft plan of subdivision for "Queenston Heights"."
- The City of Stoney Creek Planning Department has advised:

"City of Stoney Creek Planning Staff advise that the subject lands abut a building supply outlet which is located partially in the City of Hamilton and predominantly in the City of Stoney Creek. The City of Stoney Creek has received a site plan for the building supply site for future commercial office use. The lands which extend into the City of Hamilton are intended for parking purposes.

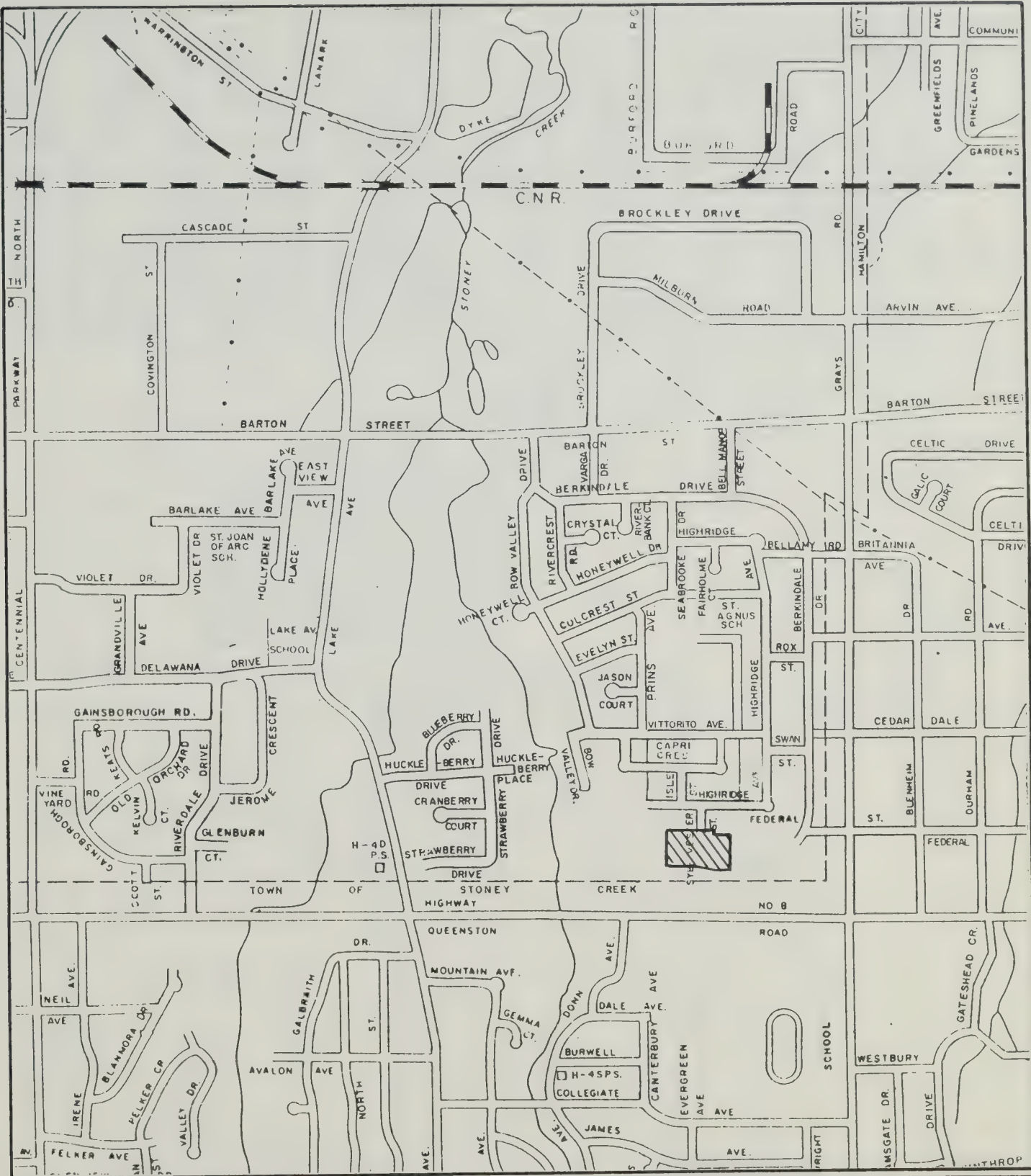
We would point out that the City of Stoney Creek Official Plan designates the land to the south of the subject property as General Commercial. The policies for the General Commercial designation require that buffering, screening and landscaping be provided where the commercial designations are adjacent to residential uses. Discussions with the City of Hamilton Planning Staff indicate that these principles will be adhered to in the consideration of the proposed commercial parking area. In addition, the proposed lots are of sufficient depth to provide an adequate setback from the future commercial area.

Based upon the above, City of Stoney Creek Planning Staff have no objection to the approval of this application".

COMMENTS:

- (1) This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the zoning by-law to implement the plan.
- (2) As no part of the subject land is designated for park or recreational use in the approved Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- (3) Minor red line revisions to the plan in the area of Lots 12 and 13 may be required to facilitate development of the abutting lands as the width of the property appears to be slightly under 24.0 m, which is required for two lots for single-family dwellings in the existing "R-2" Zoning District.
- (4) The proposal complies with the intent of the Official Plans and the approved Riverdale East Neighbourhood Plan.

- (5) The proposal merits consideration for the following reasons:
- (a) It is compatible with existing and future intended residential development in the surrounding area;
 - (b) It implements the intent of both the Official Plan and the approved Riverdale East Neighbourhood Plan; and,
 - (c) The zoning district is appropriate for the proposed use.
- (6) With respect to the City of Stoney Creek's comments, a 6.0 m wide landscaped strip and 2.5 m high visual barrier are to be provided and maintained on the commercial lands to the south. These specific requirements are contained in By-law 88-19.
- (7) The concern of the Ministry of Transportation in regard to the street width of Sylvester Street being less than 20.0 m (18.29) is noted. However, the width is dictated by the existing Sylvester Street, which was established by Registered Plan No. 62M-206 in December, 1976.



Location Plan For

QUEENSTON HEIGHTS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

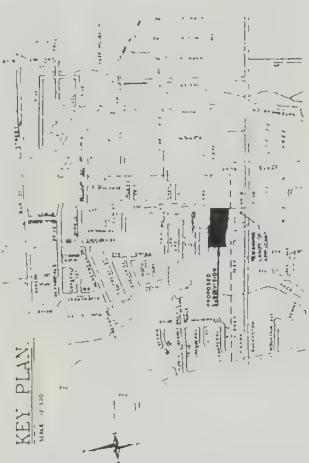


Scale
1" = 1000'

Date
DEC. 5, 1990

Reference File No.
25T-90027

Drawing No.



QUEENSTON HEIGHTS

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:500

A. I. Clarke OLS - 1990

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048

A. SHOWN ON THE PLAN;
B. SHOWN ON THE PLAN;
C. SHOWN ON THE PLAN;
D. SEE LAND USE SCHEDULE
E. SHOWN ON PLAN

2. "SUNSHINE", THE BATH
H. MULTIPLE CORP. HATED A LANCE
MAY CLAIM
I. "SUNSHINE" CO., INC.
J. MULTIPLE CORP. HATED A LANCE
K. MULTIPLE CORP.

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATE, AND CORRECTLY SHOWN.

OWNER'S LITIGATION.

FENRELL BUILDERS SUPPLY LIMITED AND WE, ADOON INVESTMENTS LIMITED OF THE SUBJECT LANDS HEREBY AUTHORIZE A.J. CLAY TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE CITY OF HAMILTON, ONTARIO FOR THEIR APPROVAL.

NOVEMBER 2nd, 1990

DATE _____
MAX 1000

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 1 206 8812 98 acres 1

BLOCKS 27 TO 31 INCLUSIVE (R-2 ZONING) - TO BE DEVELOPED IN CONJUNCTION WITH THE R-2 ZONING.

SUBDIVISION: DRAFT APPROVAL

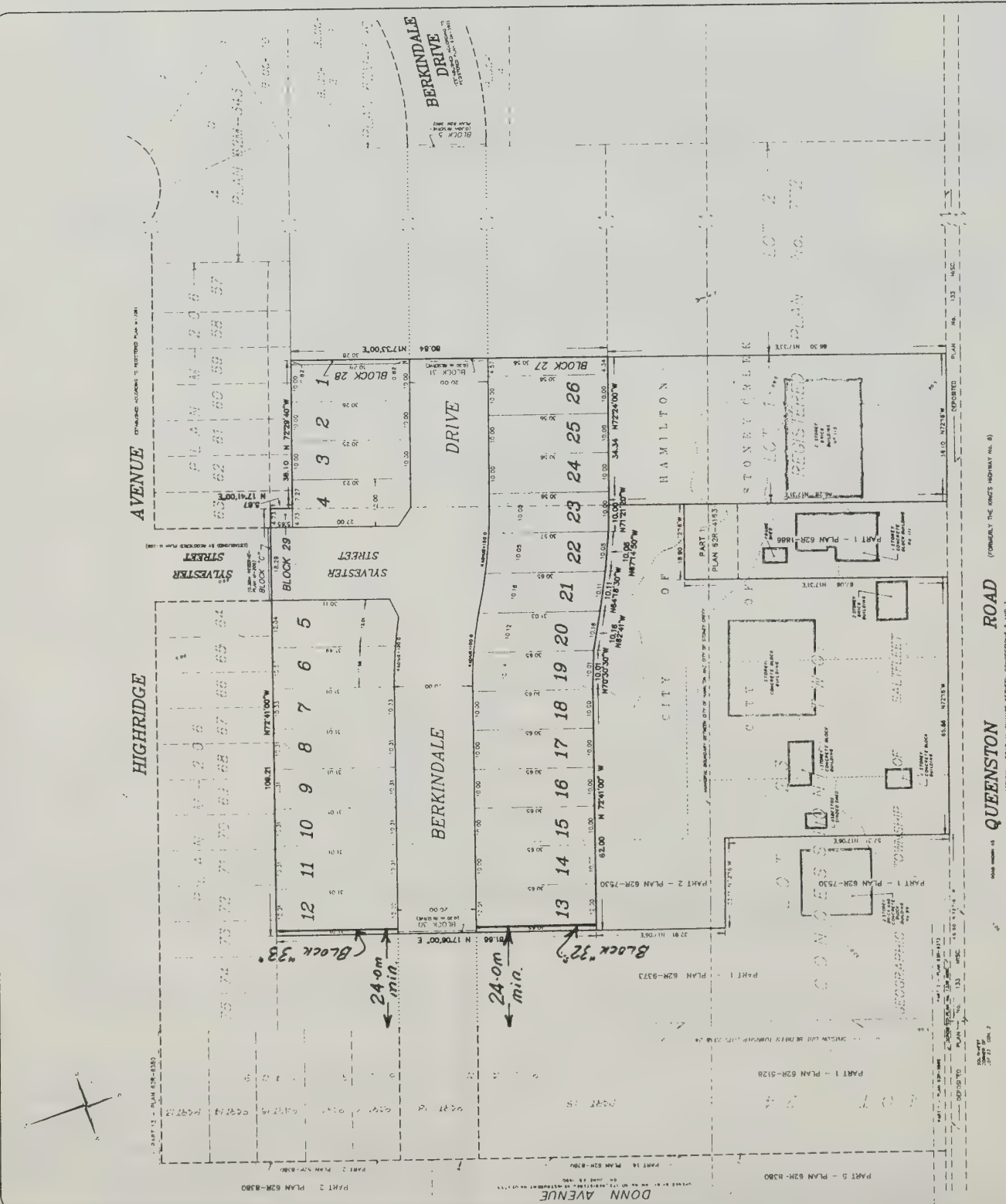
SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ 1960
THIS DEED & AM IS APPROVED UNDER SECTION 50 OF THE PLANNING ACT THIS _____ DAY OF _____

FUNCTIONS OF PLANNING AND DEVELOPMENT

[illegible]

d Associates Ltd.

Seu



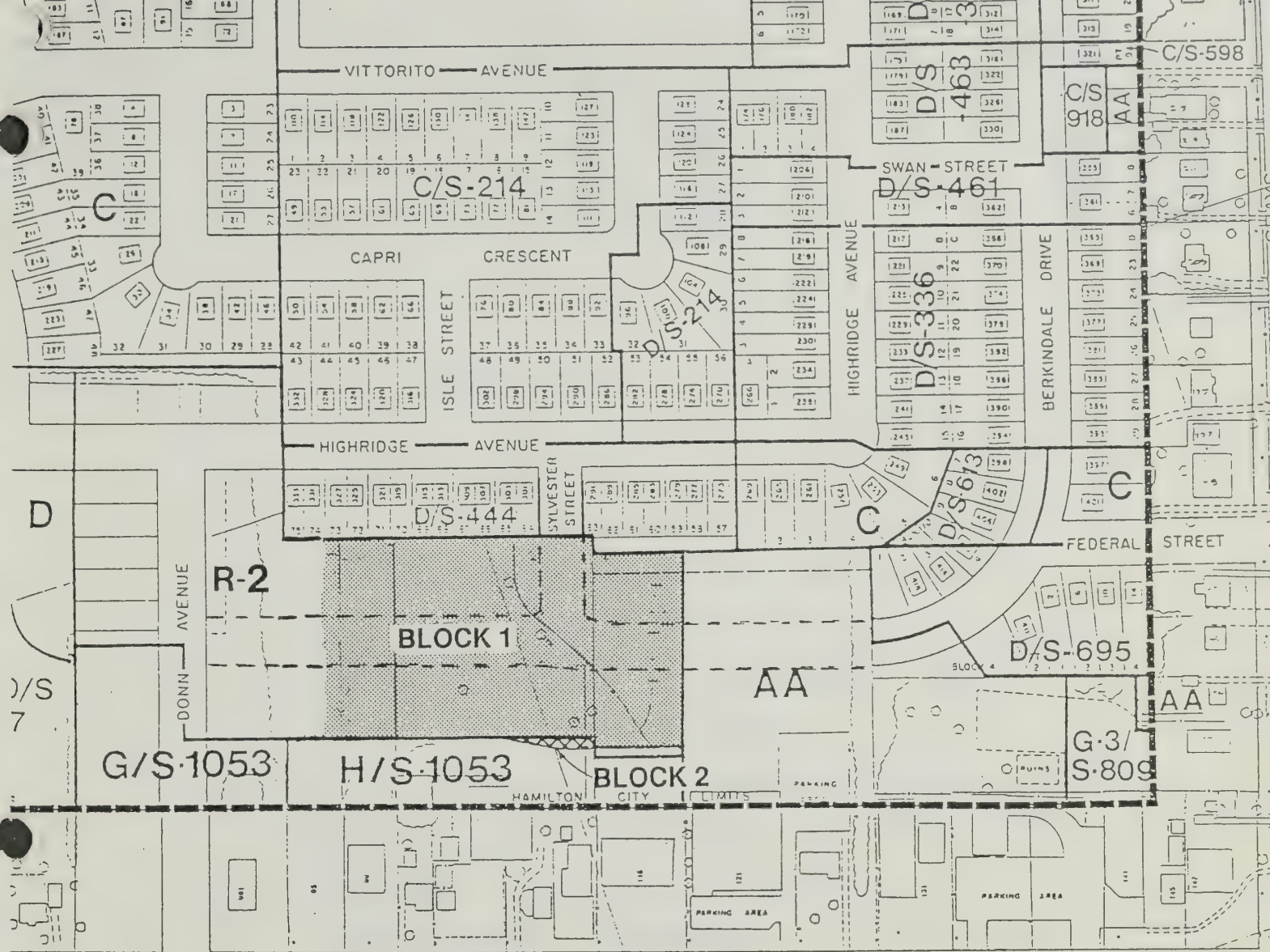
(FORMERLY THE KING'S HIGHWAY NO. 8)

ROAD

TON

[illegible]

CON 2



QUEENSTON ROAD (HIGHWAY #8)

Legend

Proposed change in zoning from:



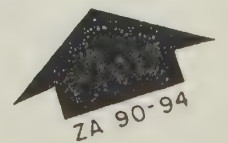
BLOCK 1

"R-2" (Urban Protected Residential-One and Two Family Dwelling, etc.) District to
"R-4" (Small Lot Single-Family Detached) District.



BLOCK 2

"H" (Community Shopping and Commercial, etc.) District, modified to
"R-4" (Small Lot Single-Family Detached) District.



APPENDIX A

RECEIVED

MAR 19 1991

CITY CLERKS

7a.

MAR 19 1991

March 14/91

99 Donn Ave

Unit 405

Stoney Creek

286-5832

Dear Sirs,

I object to any changes
in zoning's such as requested
in application # ZH-90-94

My objection is based on the
fact that any additional traffic
will worsen an already existing
a dangerous situation with
traffic coming onto Donn Ave and
exiting onto Highway 8. I personally
have witnessed four traffic accidents
two of which involved personal
injury and numerous near
accidents. Donn Ave North was
opened with no provisions made
for safety such as a traffic
light or at the very least
turning lanes. Which I feel
is irresponsible. It is only a
matter of time before there is a fatality
It's out the horse before the carts.

Yours truly

Patricia MacKenzie

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 25, 1991
(ZA-90-95; Gourley Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Department

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a change in zoning - lands municipally known as No. 852 West Fifth Street.

RECOMMENDATION:

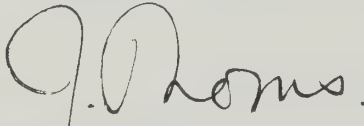
That approval be given to Zoning Application 90-95, Franco and Angela Fontana, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings in conjunction with adjacent lands owned by the applicant, for the rear portion of property municipally known as No. 852 West Fifth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. W9-B for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

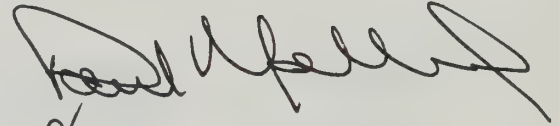
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of property municipally known as No. 852 West Fifth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit future development of the subject lands for single - family dwellings in conjunction with adjacent lands.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit future development for single - family detached dwellings in conjunction with adjacent lands.

APPLICANT:

Franco and Angela Fontana, owners.

LOT SIZE AND AREA:

Rear lands having:

- 40.23m (132.0 ft.) of lot width;
- 337.54m (1107.41 ft.) of lot depth; and,
- 1.36ha (3.35ac.) of lot area.

LAND USE AND ZONING:

| | <u>Existing land use</u> | <u>Existing Zoning</u> |
|----------------------|--------------------------|---------------------------------|
| <u>Subject Lands</u> | vacant | "AA" (Agricultural)
District |

Surrounding Lands

| | | |
|--------------|---|--|
| to the north | vacant | "AA" (Agricultural)
District |
| to the south | vacant lands and
a single - family
dwelling | "AA" (Agricultural)
District |
| to the east | single - family
dwellings | "AA" (Agricultural)
District and "C" (Urban
Protected Residential,
etc.) District |
| to the west | vacant | "AA" (Agricultural)
District |

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the city, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection D. 2."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" use on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Freeway Project Office and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are external public watermain and sewers available in this area. Since the subject lands are the rear portion of 852 West 5th Street and are being assembled for development we will provide further comments at the draft plan of subdivision stage."

COMMENTS:

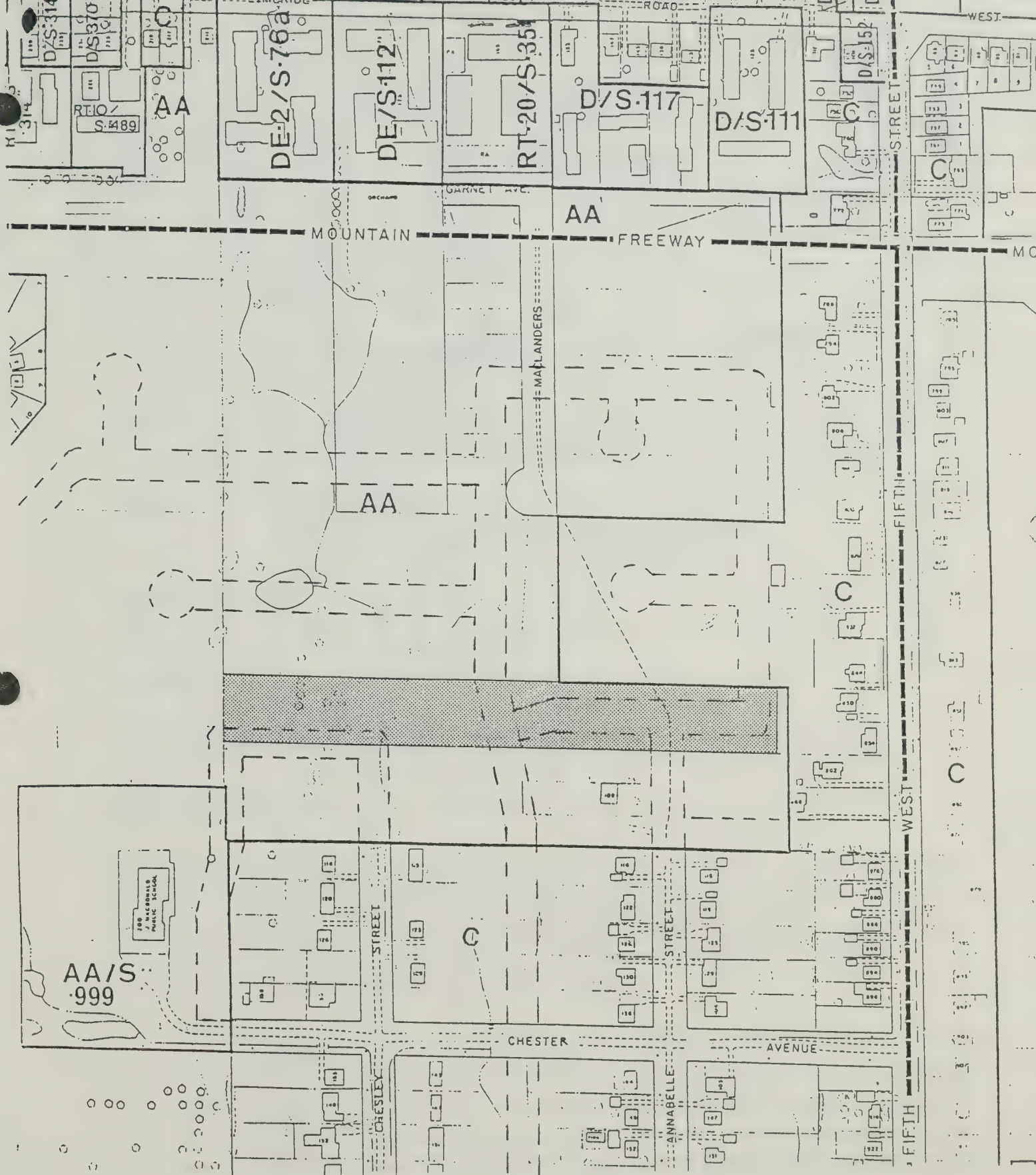
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Gourley Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL" use.
3. The proposal has merit and can be supported for the following reasons:
 - It implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;
 - It would be compatible with existing and future development contemplated in this area;
 - The requested change in zoning would be appropriate for the proposed development.
4. It should be noted that on March 18, 1991, the applicant submitted a revised draft plan of subdivision to the Region to incorporate the subject lands as part of the adjoining Fontana Gardens Draft Plan of subdivision. The revised draft plan of subdivision has been circulated to the various departments and agencies for comments and will be considered in the near future (see APPENDIX "B").

CONCLUSION:

On the basis of the foregoing , the application can be supported.

GAW:ma/dkp

A:\ZA9095



Legend



Site of the Application



CITY OF HAMILTON

- RECOMMENDATION -

9.

DATE: March 21, 1991
ZA-89-95
Landsdale Neighbourhood

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SECOND REPORT

SUBJECT:

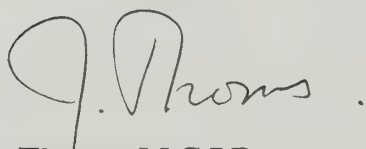
Request for a modification in zoning - Nos. 323 and 325 Wentworth Street North.

RECOMMENDATION:

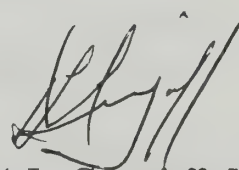
That Zoning Application 89-95, Diton Construction, owner, requesting a modification to the "D" (Urban Protected Residential- One and Two-Family Dwellings, Townhouses, etc.) District, to permit a residential care facility for a maximum of 12 residents, for the property located Nos. 323 and 325 Wentworth Street North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The applicant has requested 12 residents which is double the capacity permitted and would result in the creation of a 'mini-institutional' use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.

- ii) The proposal represents an over intensification of land use in that adequate parking cannot be provided on-site.
- iii) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

- Existing Use

In July 1989, a building permit was issued for a lodging home for 4 lodgers only. In May 1990, the applicant applied for and received a licence for a second level lodging home (residential care facility) for 4 persons. On October 24, 1990, the applicant's licence was amended to increase the capacity of the facility to 6 residents.

- Proposal

At the request of the applicant, the zoning application was tabled at the Planning and Development Committee meeting held August 22, 1990.

FINANCIAL IMPLICATIONS:

N/A

LOT SIZE AND AREA:

- 16.76 m (55 ft.) of lot frontage on Wentworth Street North;

- 24.87 m (81.5 ft.) of lot frontage along Birge Street; and,
- 416.95 m² (4,488 sq. ft.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|---|---|
| <u>Subject Lands</u> | residential care facility | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | CNR railway track, single and two-family dwellings and industry | "K" (Heavy Industry, etc.) District |
| to the south and west | single and two-family dwellings | "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District |
| to the east | industry | "K" (Heavy Industry, etc.) District |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Housing" in the approved Landsdale Neighbourhood Plan. A redesignation is not required since the long term intended land use is for one and two-family dwellings.

RESULTS OF CIRCULARIZATION:

- The following Agency has no comments or objections:
 - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

"It is our understanding that the property will now be used for a residential care facility. Again, our review of the preliminary plan indicates that there are only two potential parking spaces. The parking requirements for residential care facilities are one space for every three persons who may be lawfully accommodated. We, therefore, recommend that the facility be restricted to housing six persons unless modifications are made to the site layout."

- The Hamilton Wentworth Social Services Department has advised that:

"It is our understanding that the building now being erected on this property is intended to house 12 persons who have been discharged from the Hamilton Psychiatric Hospital.

We approve of the number of persons to be housed; the location of this home is not ideal, however, because it is in a neighbourhood where high noise levels prevail, e.g. trains, heavy trucks. There are a significant number of vacancies in existing community lodging homes which house former psychiatric patients; consequently, we question the applicant's statement about the need for this facility."

- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains and separate storm and sanitary sewers are available to service the subject lands.

The existing and designated road allowance width of Wentworth Street North is 20.12 m. According to our records, Birge Avenue is 15.24 m in width. We have reviewed our standard design crosssections and recommend that as a condition of development approval that a 2 m x 2 m daylight be dedicated to the Region for road widening purposes.

According to plans submitted, an existing fence encroaches into the Birge Avenue road allowance. This fence encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

Any other works which may occur within the adjacent road allowance must conform to the respective Street By-law.

The Traffic Department is to comment on access design. Access grades within the road allowance are not to exceed 3%.

The applicant should be advised that in the long term, a grade separation may be constructed at Wentworth Street and the CNR main line and access to the lands may be restricted to Birge Avenue only."

- The Building Department has advised that:

"Residential Care Facility for the accommodation of not more than 6 residents is permitted.

Residential Care Facility for the accommodation of 12 residents requires 4 parking spaces on the site and not located in the required front yard. Declaration received for conformance to Section 10(6) of 6593 (180.0 m separation). Building permit issued for lodging house for four persons only. Subject to Site Plan Control".

- The Licensing Department has advised that:

"A second level lodging house licence for capacity of "4" was issued May 10, 1990 and increased to "6" residents on October 24, 1990."

- CN Rail has advised that:

"We have reviewed your notice dated October 5, 1989 regarding the above application and offer no objections. However, we note that our tracks fall within earshot (300 m) of the proposed development. Hence, we request that the owner insert in all offers of sale and purchase or lease and register on title to the land, the following clause:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

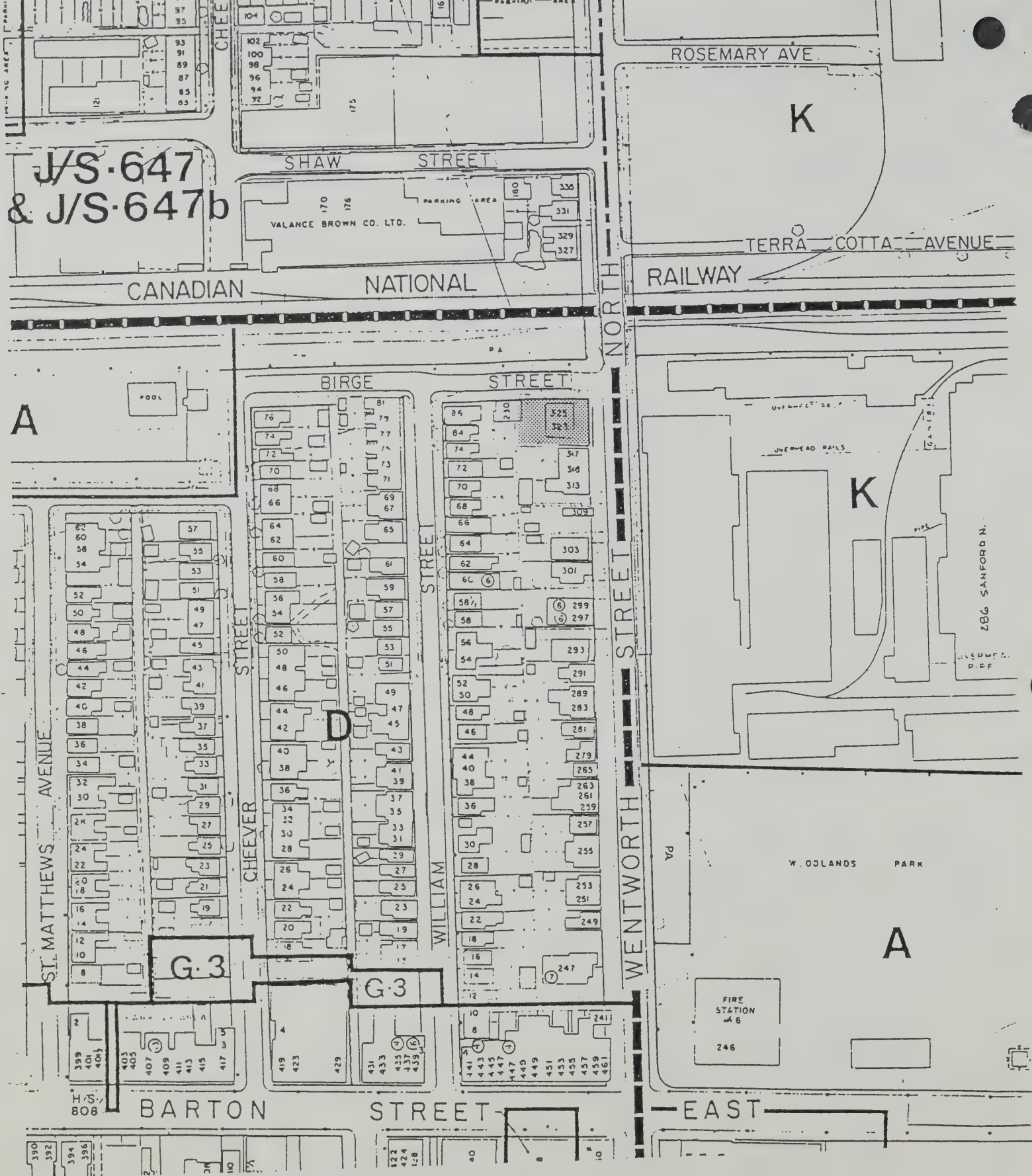
COMMENTS:

- 1) The proposal does not conflict with the intent of the Official Plan and the approved Landsdale Neighbourhood Plan.
- 2) The proposal cannot be supported for the following reasons:
 - a) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The applicant has requested 12 residents which is double the capacity permitted and would result in the creation of a 'mini-institutional' use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.
 - b) The Traffic Department has advised that only two (2) parking spaces can be provided in accordance with by-law requirements, whereas four (4) spaces are required (1 space for every 3 residents). Required parking is not permitted in the front yard. Accordingly, the proposal represents an over intensification in land use, in that adequate parking cannot be provided on-site.

A key component of a care facility, and desirable site planning principle, is the provision of adequate outdoor amenity space for the use and enjoyment of the residents. This is particularly important in this case given the proposed number of residents (12) and the location of the property in close proximity to the rail line and industry. However, at the time of the site inspection, the rear yard was completely gravelled and appears to be intended for use as a parking area. Accordingly, the existing development does not have any useable amenity space on-site.
 - c) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.
3. For the information of the Committee, the application was tabled at the Planning and Development Committee meeting of August 22, 1990 by the applicant. There has been no new information brought forward to change the recommendation.

CONCLUSION

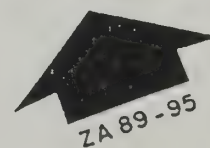
Based on the foregoing, the proposal cannot be supported.



LEGEND



SITE OF THE APPLICATION



10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 27, 1991
(ZA-91-02; Corktown Neighbourhood)

REPORT TO: S. K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification of zoning - properties at Nos. 126 and 128 Young Street.

RECOMMENDATION:

- A. That approval be given to Zoning Application 91-02, 789149 Ontario Inc., (Mrs. Karen Murphy), owner, for a modification to the "E-3" (High Density Multiple Dwellings) District regulations to permit an addition to the rear of the existing medical office/residential building located on adjacent lands at municipal No. 132 Young Street (Block "2"), by adding properties municipally known as Nos. 126 and 128 Young Street (Block "1"), shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, as amended by By-law 89-83, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1) In addition to the uses permitted in Section 11C.(1)(i) the following additional uses shall be permitted:
 - a) medical offices on the first floor;
 - b) 3 dwelling units on the second floor;
 - c) storage, utilities/maintenance in the basement/cellar.

- 2) That notwithstanding Section 11C.(4) the uses listed under 1a), 1b) and 1c) above shall be permitted within a building having a maximum G.F.A. of 690 m²;
 - 3) That notwithstanding Section 11C.(5) a minimum landscaped area of 20% of the area of the lot shall be provided and maintained;
 - 4) That a minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained;
 - 5) That notwithstanding Section 18A.(11)(a) and 12(a) a landscaped planting strip having a minimum width of 0.8 m shall be provided and maintained along the westerly side lot line;
 - 6) That a minimum 2.5 m wide landscaped planting strip excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area;
 - 7) That Sections 18A.(11), (12) and (26) shall not apply to the easterly parking area;
 - 8) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly side property line and the entire southerly rear lot line;
 - 9) That notwithstanding Section 18A.1(f) manoeuvring space having an aisle width of not less than 5.3 m shall be provided and maintained for the easterly parking area.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "HIGH DENSITY APARTMENTS" to "COMMERCIAL and APARTMENTS".

B. That By-law 89-83 be repealed in its entirety.

EXPLANATORY NOTE:

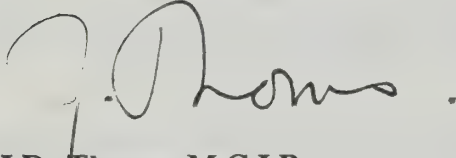
The purpose of this By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations for property municipality known as Nos. 126, 128, and 132 Young Street, shown as Blocks "1" and "2" on the attached key map.

The effect of the By-law is to permit a one storey addition to the rear of the existing medical office building at No. 132 Young Street (Block "2"). The existing dwellings located at Nos. 126 and 128 Young Street (Block "1") are to be demolished to permit the building addition.

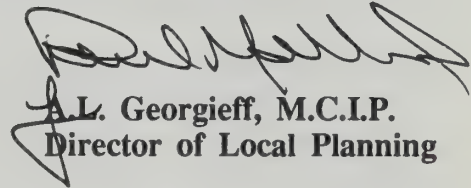
In addition, the By-law provides for the following variances as special requirements:

- To restrict the use of the building to medical offices on the first floor, 3 dwelling units on the second floor, storage, utilities/maintenance in the basement/cellar, and to permit a maximum gross floor area of 690 m²;
- A minimum landscaped area of 20% of the area of the lot shall be provided and maintained, whereas 40% is required;
- A minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained on-site, whereas 14 parking spaces are required;
- A minimum 0.8 m wide landscaped planting strip shall be provided and maintained along the westerly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district;
- A minimum 2.5 m wide landscaped planting strip, excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area (Block "1");
- No landscaped planting strip is to be provided along the easterly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- No 1.2 m to 2.0 m high visual barrier is to be provided and maintained along the easterly side lot line, whereas a visual barrier is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire westerly side property line and the entire southerly rear property line;
- The easterly access driveway will abut the adjoining residential district boundary, whereas a minimum setback of 3.0 m is required (previously approved By-law variance);

- The required manoeuvring space for the easterly parking lot shall be a minimum of 5.3 m in width, whereas a minimum of 6.0 m is required (previously approved By-law variance).



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

- Proposal

The purpose of the proposed modification in zoning is to demolish the existing dwelling on the subject property and construct a one storey 226 m² (2,433 sq.ft.) addition to the rear of the existing medical office building at No. 132 Young Street. Additional parking for 12 cars is proposed (see APPENDIX "B").

- By-law 89-83

At its meeting held on February 28, 1989, City Council passed By-law 89-83 respecting the applicants adjoining property at Nos. 130 to 136 Young Street. The By-law provides for a modification to the "E-3" (High Density Multiple Dwellings) District to permit the following:

- i) medical offices;
- ii) 3 dwelling units;
- iii) a side yard of not less than 1.6 m in width to be provided and maintained along the westerly lot line;
- iv) a side yard of not less than 1.38 m in width to be provided and maintained along the southerly lot line;
- v) a landscaped area of not less than 16% of the area of the lot on which the use is situated;
- vi) to provide and maintain a minimum of 8 parking spaces on-site;

- vii) to exempt the development from requiring a minimum 1.5 m wide planting strip and a 1.2 m to 2.0 m high visual barrier along the boundary of the easterly parking area adjoining a residential district;
- viii) to exempt the required manoeuvring space for 2 of the required parking spaces in the westerly side yard;
- ix) to provide for a minimum 5.3 m manoeuvring space width for the easterly parking lot instead of a 6.0 m minimum width;
- x) to permit the access driveways for the parking area to adjoin a residential district whereas they are required to be setback a minimum of 3.0 m.

• By-law No. 87-307

At its meeting held on November 10, 1987 City Council passed By-law 87-307 which provided a modification to the established "E-3" (High Density Multiple Dwellings) District for property located at Nos. 122-124 Young Street to permit professional offices within the existing building and to regulate signage.

APPLICANT:

789149 Ontario Inc., (Mrs. Karen Murphy), owner.

LOT SIZE AND AREA:

| <u>Subject Lands</u> | <u>Combined Site</u> |
|--|---|
| • approximately 14.3 m (46.9 ft.) of lot frontage on Young Street; | approximately 38.6 m (120.0 ft.) of lot frontage on Young Street; |
| • 40.2 m (133.0 ft.) of lot depth; and | 40.2 m (133.0 ft.) of lot depth; and, |
| • 574.86 m ² (6,187.94 sq.ft.) of lot area. | 1456 m ² (15,680 sq.ft.) of lot area. |

LAND USE AND ZONING:

| <u>Subject Lands</u> | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------|---------------------------|--|
| | 2 single-family dwellings | "E-3" (High Density Multiple Dwellings) District |

Surrounding Lands

| | | |
|--------------|--|---|
| to the north | single-family and two-family dwellings | "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District |
| to the south | single-family and multiple dwellings | "E-3" (High Density Multiple Dwellings) District |
| to the east | medical office/multiple dwelling, a single-family dwelling and row dwellings | "E-3" (High Density Multiple Dwellings) District, modified and "E-3" (High Density Multiple Dwellings) District |
| to the west | converted dwelling containing law offices, and multiple dwellings | "E-3" (High Density Multiple Dwellings) District, modified and "E-3" (High Density Multiple Dwellings) District |

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule A - Land Use Concept Plan and located within Special Policy Area 3 on Schedule B of the Official Plan and subject to, among other policies, the following:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services."

In addition to the above, the subject lands are also located within SPECIAL POLICY AREA 3 on Schedule B. The following policy should also be noted:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1 (ii);

- iv) To create an attractive living environment close to downtown, Council will encourage the appropriate provision, location, scale and design of community and neighbourhood facilities, parks, health services, schools, day care and related uses to satisfy present, and anticipated future, requirements."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "HIGH DENSITY APARTMENTS" on the approved Corktown Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL and APARTMENTS".

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. The doctors' offices are not permitted in the E-3 zone.
- 2. There is parking in the required front yard.
- 3. A variance is required for less than 40% landscaped area. Shown is 293 m² required is 582.8 m².

4. West parking area requires a 1.5 m landscape strip, shown is 0.8 m - 1.2 m. A visual barrier fence is also required for the length of the parking area."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Any works which may occur within the Young Street road allowance must conform to the City of Hamilton Street By-law."

- The Traffic Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department, the Local Architectural Conservation Advisory Committee and Go Transit have no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal would require redesignation of the approved Corktown Neighbourhood Plan from "HIGH DENSITY APARTMENTS" to "COMMERCIAL and APARTMENTS" to bring this portion of the applicants holding into conformity with the balance of the site previously redesignated.
3. The proposal has merit and can be supported for the following reasons:

- It complies with the intent of the Official Plan, in that the proposal represents an extension to an established medical office use situated within the Central Policy Area of the City. In this regard, clause iv) of Policy A.2.9.3.1 states that: "To create an attractive living environment close to downtown, Council will encourage the appropriate provision, location, scale and design of community and neighbourhood facilities, parks, health services,...and related uses to satisfy present, and anticipated future, requirements."

Furthermore, it satisfies the provisions of Policies A.2.1.5 and A.2.1.6 with respect to locational requirements and parking for medical practitioner's offices;

- It represents a logical extension to the existing medical office use, in that the subject lands are located between properties already developed and appropriately zoned to permit medical and professional office uses;
- It will enhance the character of the surrounding area and will enable comprehensive development of the applicants holdings;
- It is within close proximity to public transit routes, St. Joseph's Hospital and other medical facilities in the downtown core;

- Sufficient parking is being provided on-site for both the medical offices and the 3 dwelling units to be established on the site.

4. The Building Department has advised that approval of the application as submitted would require the following variances:

| <u>Variance</u> | <u>Provided</u> | <u>Required</u> |
|--|-----------------|-----------------|
| (i) minimum landscaped area (Section 11C(5)) | 20% | 40% |
| As the primary use is for medical offices with associated parking, and since the overall development provides for an increase in landscaping over that previously approved (20% vs. 16%), the requested variance can be supported. | | |
| (ii) front yard setback for a parking or loading area within 3.0 m of a residential district boundary (Section 18A(11)(b)) | 0 m | 3.0 m minimum |

| | | |
|--------------------------------------|------------------|---------------|
| front yard parking (Section 18A(14)) | 2 parking spaces | not permitted |
|--------------------------------------|------------------|---------------|

Given that more parking is being provided than required (20 spaces proposed as opposed to 14 spaces required), and since the proposed front yard parking area would detract from the residential streetscape in this area, the 2 front yard parking spaces should be eliminated and the area utilized for landscape purposes. Accordingly, the variances cannot be supported.

| | | |
|---|--------------------------|-------|
| (iii) landscaped planting strip between the parking area (west side) and the adjoining residential district boundary (Section 18A(12)(c)) | varies
0.8 m to 1.2 m | 1.5 m |
|---|--------------------------|-------|

The adjoining property to the west contains a converted dwelling for law offices. Accordingly, the variance is considered minor in nature and can be supported.

| | | |
|--|--|--|
| (iv) 1.2 m to 2.0 m high visual barrier between the parking/loading area and the adjoining residential district boundary (Section 18A.(12)(C)) | only along part of the westerly side lot line of the parking lot | along all of the westerly side lot line of parking lot |
|--|--|--|

In order to mitigate potential spill-over effects from the parking area onto adjoining properties, the required visual barrier should be extended to apply to the entire westerly side lot line. Accordingly, the requested variance cannot be supported.

The following variances established under By-law 89-83 are still applicable to the development:

- to exempt the development from requiring a minimum 1.5 m wide planting strip and a 1.2 m to 2.0 m high visual barrier along the boundary of the easterly parking area adjoining a residential district;
- to permit the access driveways for the parking area to adjoin a residential district whereas they are required to be setback a minimum of 3.0 m.;
- to provide for a minimum 5.3 m manoeuvring space width for the easterly parking lot instead of a 6.0 m minimum width.

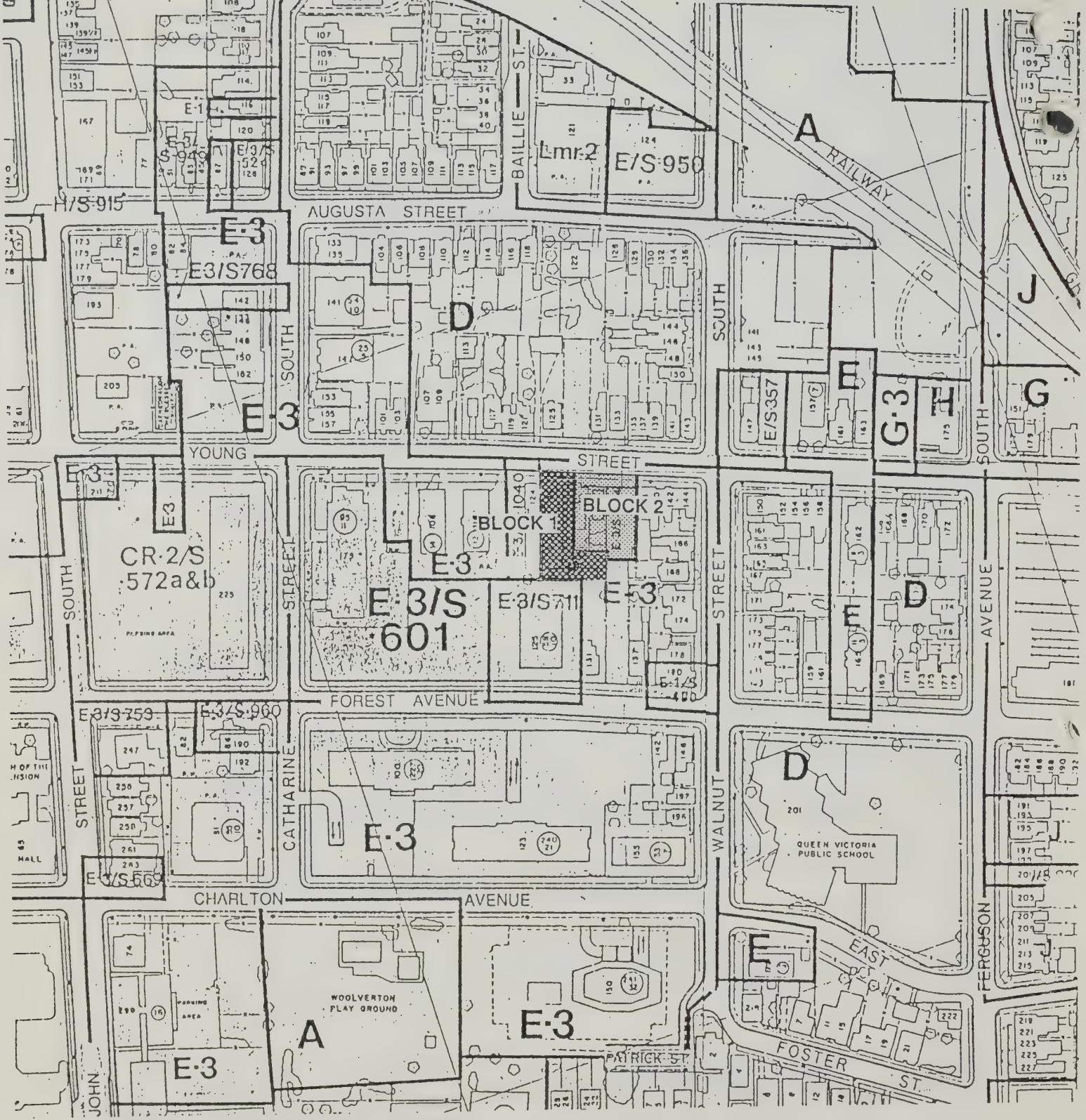
Should the application be approved, it would be appropriate to include the following additional variances as special requirements:

- since the "E-3" (High Density Multiple Dwellings) District would permit a maximum gross floor area of 2,477 m² (1.7 x lot area), it is suggested that the maximum gross floor area be restricted to 690 m², and that the use of the building be limited to medical offices on the first floor, 3 dwelling units on the second floor, and storage utilities/maintenance in the basement/cellar as proposed.
 - to require that a minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space be provided and maintained on-site;
 - in order to provide for privacy and protection for the adjoining property owners to the south and west, a minimum 1.2 m to 2.0 m high visual barrier should be provided and maintained along the entire westerly side property line and the southerly rear property line;
 - to require a minimum 2.5 m wide landscaped planting strip, excluding a driveway access, to be provided and maintained along the front lot line of the westerly parking area.
5. Because the applicable variances provided for under By-law No. 89-83 will be included in the amending By-law, it is appropriate to repeal the entire By-law.
 6. Development of this site within an "E-3" (High Density Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-223. Matters such as access, landscaping, grading, parking, fencing, etc. can be further reviewed at the site plan control stage of development.

CONCLUSION:




On the basis of the foregoing, the application can be supported.

GAW:ma/dkp
A:\ZA9102



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | Modification to the "E-3" (High Density Multiple Dwellings) District. |
| BLOCK 1 |  | Site of the application |
| BLOCK 2 |  | |



102. 0 MATERNIA

by concrete walk

EN HYDRO PNEUMATIC WIRE
V/C HYDRO PNEUMATIC DUCT
EN A. S. HALL

EX GNC. PANEL:

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52 8 145 MAIN 38.606

N 72° 06' 00" W

EXTING. A/C UNIT
ENCL. UNIT TO -
REMAIN

FAILING FET
EXT. TAIL PLATING

EXTING - FUELING

1A1 ALLEL:
2AC1
670-2500

7 NOV 1964
6000 & 2700

H C 22ACK
6000 # 1500

FRACOEID ADDITION

NOTE
ALL SURVEY INFORMATION TAKEN
FROM DRAWING 90-1358-1 (H)
AS PREPARED BY MACKAY MAX KAY & PETERS
24 AUG 1930 SHOWING
ALL OF LOT 20 & PART OF LOTS
OT. 34 WINGER SURVEY
REGISTERED PLAN # 46
IN THE CITY OF HAMILTON.

NEIGHBOURHOOD BUILDING

SCALE 1:100



Г.О.У.С.Т. Н.К.А.Т.И.

ROBERT J. CHARKO, LL.B.
BARRISTER, SOLICITOR, NOTARY PUBLIC
TRADE MARK AGENT

10a.

TELEPHONE:
(416) 528-5105
528-5108, 528-8706
FAX: 523-5867

RECEIVED

HAMILTON, ONTARIO
L8N 1V4

MAR 21 1991

March 15, 1991

CITY CLERKS

ZA91-C2

City of Hamilton
Planning and Development Committee
City Hall
Hamilton, Ontario
71 Main Street West
L8P 1H4

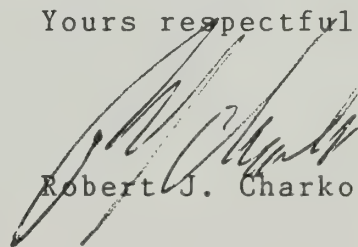
Dear Sir:

RE: 126 & 128 YOUNG STREET

Please be advised that 805687 Ontario Limited, the present owner of of 75 Young Street, Hamilton, Ontario has no objection to this proposed modification in zoning.

Should you have any questions please do not hesitate to contact me.

Yours respectfully,



Robert J. Charko

RJC/nc



Urban Municipal
Librarian

K.E. AVERY
CITY CLERK

J.J. SCHATZ
PUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

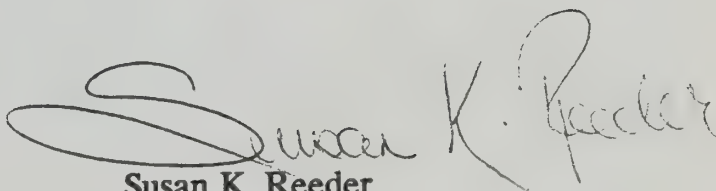
URBAN/MUNICIPAL

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1991

1991 April 18th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1991 April 24th
9:30 o'clock a.m.
Room 233, City Hall


Susan K. Reeder
Secretary

AGENDA

A. Consent Agenda.

ALDERMAN M. KISS

1. Request for a Neighbourhood Plan Review - Kirkendall Neighbourhoods.

(a) Report - Director of Local Planning.

ALDERMAN T. JACKSON

2. Berrisfield Gardens Addition.

(a) Information Report - Commissioner of Transportation & Environmental Services.

ALDERMAN D. DRURY

3. Committee of Adjustment.

(a) Information Report - Building Commissioner.

ALDERMAN W. McCULLOCH

4. The Custom House. (copy to follow)

BUILDING COMMISSIONER

5. Demolition Permit Application - 24 Victoria Avenue North.

(a) Report - Local Architectural Conservation Advisory Committee.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

6. Lot Grading - Novoco Gardens.

DIRECTOR OF LOCAL PLANNING

7. Site Plan Control Application DA-90-103, by A.R.P. Construction Ltd. (Peter Bonitatibus, owner) - 780 Upper Paradise Road; Gurnett Neighbourhood.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

8. Zoning Application 91-07, 603997 Ontario Limited (T. Dussan), owners, for a change in zoning from "AA" to "C" for property at 763 Stone Church Road West; Falkirk West Neighbourhood.
9. Zoning Application 91-04, Houston Homes Limited, owner, for a change in zoning from "C" to "RT-20" for property at 1515 and 1523 Upper Gage Avenue; Templemead Neighbourhood.

10:45 O'CLOCK A.M.

10. Zoning Application 88-129, T. Valeri Construction Limited, owner, for a change in zoning from "E-2" modified to "G-1" for lands located at the south-east corner of Stone Church Road East and Upper Wentworth Street; Butler Neighbourhood.
- (a) Submission - Mr. & Mrs. Curtis, 122 Charing Drive.

11. Zoning Application 90-85, S. and J. Wood, owners for a modification to the established "D" District regulations for property at 585 Cannon Street East; Gibson Neighbourhood.
12. Amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" to "RT-20", "C" to "RT-20" and "C" to "HH" modified for properties at 837, 845 and 867 Rymal Road East; Eleanor Neighbourhood.
 - (a) Submissions - Roman Lewezuk, Realtor.

13. Other Business.

14. Adjournment.

Wednesday, 1991 March 20
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman D. Ross
Alderman H. Merling
Alderman W. McCulloch
Alderman V. Formosi

Also present: Alderman D. Agostino
Alderman B. Hinkley
Alderman G. Copps
Alderman T. Murray
Mr. D. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Ms. J. McNeilly, Public Works Department, Community Renewal
Section
Mr. K. Brenner, Regional Engineering Department
Mr. L. Farr, Law Department
Mr. B. Janssen, Planning Department
Mr. J. Robinson, Building Department, Loans Section
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. J. Schwarz, Regional Planning Department
Mr. R. Karl, Traffic Department
Mr. A. Harvey, Building Department
Mr. L. Lanza, Regional Planning Department
Mr. J. Sakala, Planning Department
Mr. D. Dube, Public Works Department, Community Renewal
Section
Mr. B. Allick, Building Department
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE

- A.** The Committee was in receipt of the minutes of their meeting held Wednesday, 1991 March 6th and approved these minutes.

BUILDING COMMISSIONER

- B.** **Demolition Permit Application - 1129 Cannon Street East.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 March 8, respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 1129 Cannon Street East.

DIRECTOR OF LOCAL PLANNING**C. Proposed Draft Plan of Condominium - Taba Developments Ltd., south of Stone Church Road East on the east side of Upper Ottawa Street.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter and approved the following:

That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90010, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated 1990 August 22, showing 12 industrial units.
- (b) That the owner receives approval of an amendment to Site Plan Control Application DA-88-86 prior to Final Approval.

REGULAR AGENDA**ALDERMAN B. HINKLEY****1. Ontario Home Renewal Programme - Disabled - 137 Birge Street.**

The Committee was in receipt of a request from Alderman Hinkley to appear before the Committee, respecting the above-noted matter.

Mr. J. Robinson, Building Department, Community Renewal Section, spoke to the Committee and outlined the status of the programme application. He also made reference to the report of the Building Commissioner dated 1991 March 14, outlining the specifics of the application and particularly pointed out their letter dated 1991 February 22, to Mr. Gordon Simpson of 137 Birge Street.

Alderman Hinkley spoke on behalf of the persons in attendance respecting this matter, namely Mr. & Mrs. Simpson, the home owners and Mr. Carson, a neighbour. Alderman Hinkley distributed pictures to the Committee of the home taken on Monday (1991 March 18) and indicated that the work was not done to specifications.

Mr. Carson, the neighbour, spoke on behalf of the Simpsons, and spoke about the work not being done properly. He added that he was the person who convinced the Simpsons to have the work done under the Grant Programme and Mr. Carson also mentioned that Schedule "A" was not completed.

The Committee then agreed to move In-Camera to hear evidence of a possible litigation nature.

The Committee then moved back into Regular Session and approved the following recommendation:

- (a) That the remainder of the work listed on Addendum Schedule "A" of the Ontario Home Renewal Programme Grants - Disabled - for the property at 137 Birge Street, for the remaining funding balance of \$1,870.00 be completed;
- (b) That in consultation with, and as determined by an Occupational Therapist, additional work to modify the home to meet the needs of the Applicant, be completed at a maximum cost of \$5,000.00; and,
- (c) That the funding for the additional work at a maximum cost of \$5,000.00 be derived from the Ontario Home Renewal Programme Accounts.

Note: Aldermen's Ross, Lombardo and Merling opposed.

ALDERMAN D. DRURY

2. Resolution - Tenant Protection.

The Committee was in receipt of a memorandum from Alderman Drury dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That Alderman Drury be authorized to meet with either the Provincial Minister of Municipal Affairs or his designated official to discuss the rationale behind the City's recently approved resolution regarding landlords' financial compensation to tenants who are forced to vacate illegal dwelling units.

ZONING APPLICATIONS

8. Zoning Application 90-70, 740898 Ontario Inc. (L. and E. McCarthy) owner, for a further modification to the "D" District regulations for property at 41 and 45 Cathcart Street; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 90-70, 740898 Ontario Inc. (Leroy McCarthy and Elaine McCarthy), owners, requesting a further modification to the "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing Residential Care Facility from 16 to 22 residents, for property located at 41-45 Cathcart Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 84-103, be further modified to include the following variances as special requirements:

- (i) That Section 1. (a) of By-law No. 84-103 be amended by changing the number "16" in the fourth line to "22", so that the revised clause (a) reads as follows:
 - " (a) Notwithstanding subsection 10(1) of By-law No. 6593, a residential care facility for the accommodation of not more than 22 residents shall be permitted in the existing building;"
 - (ii) That Section 1. (b) of By-law No. 84-103 be amended by changing the number "205 m²" to "148 m²" so that the revised clause (b) reads as follows:
 - " (b) an outdoor amenity area not less than 148 m² shall be provided and maintained on the lot;"
 - (iii) That Section 1. (d) of By-law 84-103 be deleted;
 - (iv) That the following new clauses be added to Section 1 of By-law No. 84-103;
 - (d) Notwithstanding subsection 18A. (7) of By-law No. 6593 the 4 parking spaces situated in the required front yard shall have a minimum width of 2.6 m;
 - (e) Notwithstanding subsection 18A. (9) of By-law No. 6593 the required manoeuvring space for the 8 required parking spaces may be located off-site;
 - (f) That subsections 18A. (11) and (12) of By-law No. 6593 shall not apply;
 - (g) Notwithstanding subsection 18A. (14) of By-law No. 6593 4 of the required 8 parking spaces may be located within the required front yard.
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-861a, and that the subject lands on Zoning District Map E-4 be notated S-861a;
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 41 and 45 Cathcart Street.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 16 to 22 residents.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outdoor amenity area of 148 m² as opposed to 205 m²;
- (b) to permit 4 parking spaces located in the front yard to have a minimum width of 2.6 m, whereas 2.7 m is required;
- (c) to permit the manoeuvring space for the 8 required parking spaces to be provided off-site;
- (d) to permit 4 of the required 8 parking spaces to be located within the required front yard;
- (e) to exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip and a 1.2 m to 2.0 m high visual barrier between the parking area and the residential district.

9. Subdivision Application 25T-90023 and Zoning Application 90-46, Primecan Holdings Inc., owner, for changes in zoning from "AA" to "C", "E-2" and "RT-20" for land on the west side of Upper Wellington Street and south of the proposed Mountain Freeway; Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter.

Mr. A. Georgieff, Director of Local Planning, indicated to the Committee that Mr. J. Schwarz would be retiring soon and that this meeting of the Planning and Development would be his last. The members expressed their appreciation and farewell to Mr. Schwarz for his many years of service to the Corporation and Mr. Schwarz then introduced and spoke to the Subdivision Application before the Committee.

Report of the circularization was given as follows:

139 notices sent 11 in favour 1 opposed

The Committee discussed this matter at some length and made the following recommendation with condition that the approval be contingent on the inclusion of a noise study under Site Plan.

The Committee then approved the following:

- (a) That approval be given to Subdivision Application 25T-90023, Primecan Holdings Inc., owner, to establish a draft plan of subdivision south of Limeridge Road and west of Upper Wellington Street, subject to the following conditions:
 - (i) That the approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 8, revised to show 14 lots for single-family dwellings; 1 block (Block "15") for row or townhouse development; 2 blocks (Block "16 and 30") for apartment development; 13 blocks (Blocks "17" to "29") for development with adjacent lands; 2 blocks (Blocks "31" and "32") as 0.3 metre reserves; and a road widening (Block "33").
 - (ii) That lots "1" to "14" and Blocks "15", "16" and "30" not be developed until lands directly to the east of Upper Wellington Street ("Rose Gardens", 25T-89032) has been registered.

- (iii) That Blocks "17" to "29" (inclusive), be developed only in conjunction with adjacent lands to south and west.
 - (iv) That the owner provide 2.0m x 2.0m daylight triangles at the corners of Block "17" and Block "27" and a 12.0m x 12.0m daylight triangle at the corner of Block "30" at the intersection of Upper Wellington Street and Street "A".
 - (v) That road allowances, widenings and daylight triangles be dedicated as public roads on the final plan.
 - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (vii) That Street "A" align centreline to centreline with future Sirente Drive east of Upper Wellington Street in the "Rose Gardens" subdivision (25T-89032).
 - (viii) That the road allowance to the south and adjacent to Block "30" be established to its full width prior to registration of the Final plan of subdivision.
 - (ix) That the applicant provide a 15.0m wide easement, in favour of the Region, for a berm adjacent to the Freeway, extending along the rear portions of Lots "1" and "2" and Blocks "29", "15" and "16".
 - (x) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (xi) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.
 - (xii) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (xiii) That the owner provide the City of Hamilton with a certified list showing the neat area and width of each lot and block in the final plan.
 - (xiv) That Blocks "31" and "32", the 0.3m reserves be conveyed to the City of Hamilton.
 - (xv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xvi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90023), Primecan Holdings Inc., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 90-46, Primecan Holdings Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District for Block "1", to "E-2" - "H" (Multiple Dwellings - Holding) District for Block "2", and to "RT-20" - "H" (Townhouse-Maisonette - Holding) District for Block "3", for property located on the west side of Upper Wellington Street in the area south of the Mountain Freeway, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District;
- (d) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District;
- (e) That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special provision:
 - (i) That no vehicular access to and egress from Block "2" shall be permitted from Upper Wellington Street;
- (f) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special provision:
 - (i) That notwithstanding Section 10E of By-law No. 6593, a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement;
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1221, and that the subject lands on Zoning District Map E-9B be notated S-1221;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council; and,
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (j) That the application/owner be required to undertake a Noise Attenuation Study under Site Plan approval.

Note: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by City Council to remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Upper Wellington Street in the area south of the Mountain Freeway.

- (a) Block "1" - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (b) Block "2" - Change from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District; and,
- (c) Block "3" - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District.

The effect of the By-law is to permit future development of the subject land for:

- (a) Block "1" - Single-Family Detached Dwellings;
- (b) Block "2" - Multiple Dwellings (Apartments); and,
- (c) Block "3" - Townhouses or Maisonnées.

In addition, the By-law establishes the following variances as special provisions:

- (a) Block "2" - no vehicular access shall be permitted from Upper Wellington Street; and,
- (b) Block "3" - a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the most northerly fifty feet of this Block, which is required as a berm easement.

10. **Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 8, respecting the above-noted matter.

The Committee was also in receipt of a letter from the applicants for the Zoning Application, requesting that this matter be tabled to the next convenient date, in order that the Principal of Rymal Square Development Inc. could be in attendance to speak to this application.

Accordingly, the Committee agreed to table this application to the next nearest convenient date.

11. Zoning Application 90-41, J. Morrison and S. Zemaitis, owners, for a modification to the "C" District regulations for property at 172 Sanford Avenue South; St. Clair Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 11, respecting the above-noted matter.

The Committee was also in receipt of the following submissions:

- (a) Phil Wells, 145 Gladstone Avenue.
- (b) Suzanne Duncan (nee Turner), 11 Rutherford Avenue.

Report of the circularization was given as follows:

352 notices sent 18 in favour 24 opposed

A representative for Mr. Zemaitis, co-owner, spoke on behalf of the application and gave reasons why the application should be approved. He added that the use has existed for 30 years.

The Committee discussed this application at great length and the recommendation for denial resulted in a tie vote.

In accordance with City policy, this matter was referred to City Council in the negative as follows:

That Zoning Application 90-41, John Morrison and Saulis Zemaitis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 172 Sanford Avenue South, as shown on the attached map marked as Appendix "C", not be approved for the following reasons:

- (a) It does not comply with the intent of the Official Plan in that it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly occupied by one and two family dwellings;
- (b) It is an overintensification of land use in that adequate off-street parking cannot be provided (only one legal parking space can be provided whereas four are required); and,
- (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

Note: The above-noted resolution resulted in a tie-vote at the Planning and Development Committee, and in accordance with City policy is herewith presented to City Council.

12. Zoning Application 90-87, Hamilton-Wentworth Catholic Separate School Board, owner, for a change in zoning from "D" to "C" for land at 295 Green Cedar Drive; Gurnett Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 7, respecting the above-noted matter.

The Committee was also in receipt of a letter from E.S. Gera, Planning and Statistical Assistant, The Hamilton-Wentworth Roman Catholic Separate School Board, requesting that this application for rezoning be withdrawn.

Accordingly, the Committee deleted this item from their Agenda and acknowledged that this zoning application has been withdrawn by the applicant.

DIRECTOR OF PUBLIC WORKS**3. Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.), Community Improvement Plan (C.I.P.)**

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That subject to a Public Meeting to be held on 1991 April 08, at 7:00 p.m. in City Hall, to receive citizens' input and, that no substantive changes are made to the Community Improvement Plan, that the following be approved:

- (a) That the Community Improvement Plan for the Central/Beasley Neighbourhood, attached hereto as Appendix "D", be approved in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
- (c) That the Mayor and City Clerk be hereby authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Agreement pursuant to which P.R.I.D.E. will be implemented in the Central/Beasley Neighbourhood.

4. Anti-Recession P.R.I.D.E. Allocation.

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 11, respecting the above-noted matter.

The Committee approved the following:

- (a) That the Community Renewal Section of the Public Works Department be authorized to advise the Ministry of Municipal Affairs of The City of Hamilton's intention to utilize the Anti-Recession P.R.I.D.E. allocation of \$400,000.00 to be matched by a Municipal contribution of \$400,000.00; and,

Note: This allocation is being offered by the Ministry of Municipal Affairs over and above any other applications the City may have made for funding.

- (b) That the City's portion of the Programme be financed through existing budgets such that no additional financing be required; and,
- (c) That the Anti-Recession P.R.I.D.E. funds be allocated for use within existing Community Improvement Project Areas and Redevelopment Areas previously designated under the Planning Act; and,
- (d) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Programme.

5. Public Service Announcement (P.S.A.) II - Phase IV, Downtown Hamilton Action Plan, Implementation of Sanitation Study recommendation.

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 11, respecting the above-noted matter and approved the following:

- (a) That the following prize be awarded to Mohawk College broadcasting students for their submissions in the Phase IV Downtown Action Plan, Public Service Announcement (P.S.A.) Competition:
 - (i) First prize - Ms. Vera Mitropoulos, production of "Community" - \$700.00.
 - (ii) Second prize - Ms. Barb Forsyth, production of "Litter" - for technical merit - \$500.00; and,
- (b) That a \$700.00 donation be given to the Television Broadcasting Programme of Mohawk College of Applied Arts and Technology for the use of equipment and materials during the preparation of submissions for the Public Service Announcement Competition; and,
- (c) That the prizes referred in (a) above be presented to the winners at City Council on 1991 March 26 by Mayor R. Morrow and Alderman B. Hinkley, Chairman of the Keep Hamilton Clean Committee.

Note: Since the winning P.S.A. is scheduled to be released to coincide with Pitch-In Week 1991 May 06-12, it is critical that the awards be distributed at the 1991 March 26 City Council.

DIRECTOR OF LOCAL PLANNING

6. Update - Day Nurseries By-law.(no copy)

Mr. P. Mallard of the Planning Department spoke to the Committee with respect to the status of the Day Nurseries By-law and the Niagara Escarpment Commission's appeal.

The Committee discussed this matter and the following recommendation was approved:

- (a) That the City of Hamilton initiate an amendment to By-law No. 90-248, to prohibit Day Nurseries in the Red Hill Valley between the T.H. & B. Railway tracks to the north and Greenhill Avenue to the South, as shown on the attached map marked as Appendix "E"; and,
- (b) That the City Clerk notify the Niagara Escarpment Commission of City Council's decision.
- (c) That the City Solicitor be directed to prepare the appropriate By-law.

BUILDING COMMISSIONER

7. Building Department Service - Reorganization of Administration and Plan Examination Division. (Private and Confidential)

The Committee was in receipt of a Private and Confidential report from the Building Commissioner, respecting the above-noted matter.

The Committee met In-Camera to discuss this report, following which they moved into Regular Session and approved the following:

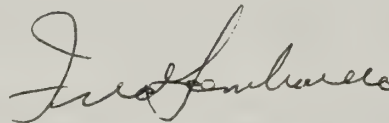
- (a) That the organizational structure for the Administrative function of the Building Department as shown on Schedule A, attached herewith as Appendix "F", be approved.
- (b) That the newly established positions of Director of Technical Services and Deputy Building Commissioner, Manager of Field Services, Manager of Customer Services, Building Applications Analyst, Budget Co-Ordinator, Secretary-Treasurer of Committee of Adjustment, be referred to the Commissioner of Human Resources for classification. Also, the Stenographic and Administrative Assistant positions are to be reviewed for determination of proper classifications.
- (c) That the organizational structure for the Plan Examination Division of the Building Department as shown on Table B, attached herewith as Appendix "G", be approved.
- (d) That the newly established positions of Supervisor of Customer Services, Plan Examiner/Customer Service Representatives, Receptionist, and Telephone Receptionist be referred to the Commissioner of Human Resources for classification. Also, the Stenographic positions are to be reviewed for determination of proper classification.
- (e) That the organizational structure for the Inspection Division of the Building Department as shown on Table C, attached herewith as Appendix "H", be approved.

Note: The existing staff complement will be reduced permanently by three (3) persons. One additional full time position will also not be filled for 1991 or 1992. This position will remain vacant until such time as work levels justify budgeting. Savings for 1991 will be \$57,000.00 and for 1992 will be \$77,000.00. It is anticipated that funds will be required from the capital budget to make the physical changes to the office environment to accommodate the new work process.

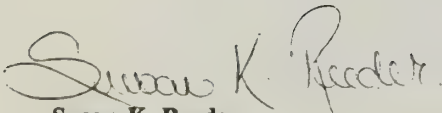
ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,



ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE



Susan K. Reeder
Secretary
1991 March 20

Wednesday, 1991 April 3
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Acting Chairman
Mayor Robert M. Morrow
Alderman D. Ross
Alderman M. Kiss
Alderman D. Wilson
Alderman W. McCulloch
Alderman V. Formosi

Regrets: Alderman F. Lombardo, Chairman (Vacation)
Alderman H. Merling (Vacation)

Also present: Alderman T. Murray
Mr. G. Korz, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. J. McNeilly, Community Renewal Section, Public Works
Department
Mr. K. Brenner, Regional Engineering Department
Mr. G. Robis, Building, Department
Mr. P. Hooker, Law Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Inglis, Building Department
Mr. L. King, Building Commissioner
Mrs. N. Chapple, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. P. Mallard, Planning Department
Mr. E. Switenky, Traffic Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

BUILDING COMMISSIONER

A. Demolition Permit Applications:

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 221 Brant Street
- (b) 219 Brant Street

REGULAR AGENDA

PARKS AND RECREATION COMMITTEE

2. Parkland Acquisition and Development - Implementing Revenue Producing Strategies.

The Committee was in receipt of a report from the Acting Secretary of the Parks and Recreation Committee, respecting the above-noted matter.

The Committee approved the following:

- (a) That the Planning and Development Committee be requested to investigate the potentials for implementing additional revenue producing strategies for parkland acquisition and development including Provincial and Federal programmes and increasing the standards for parkland dedication, as authorized in the Planning Act.
- (b) That staff be requested to prepare a report within the next two months on this item.

The Committee directed that this work be undertaken by the Director of Local Planning.

Note: Mayor Morrow opposed.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

3. Legislation for Exterior Building Cleaners/Sandblasters - Proposed amendments to Building Code Act and Municipal Act.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 March 28, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton request the Provincial Government to amend The Building Code Act to require the issuance of building permits for exterior building cleaning (including sandblasting).

Note: L.A.C.A.C. has expressed concern that no legislation exists to prevent sandblasting, a building cleaning process particularly harmful to many 19th Century buildings in Hamilton. A requirement of a building permit would enable the municipality to control sandblasting.

The Committee also directed that the following recommendation be forwarded to the Finance and Administration Committee for their consideration as it affects their area of jurisdiction:

That the City of Hamilton request the Provincial Government to amend The Municipal Act to enable municipalities to examine and licence exterior building cleaners (including sandblasting).

DIRECTOR OF LOCAL PLANNING

4. Halton Regional Plan - Review Report - Request for comments.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter and approved the following:

That the City Clerk be directed to advise the Regional Municipality of Halton that proposals outlined in the Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)" has no impact on the planning intentions of the City of Hamilton. The City would, however, appreciate the opportunity to comment on any future amendments to Halton Region's Official Plan that are prepared as a result of the public input received on this Report.

Note: Halton Region has requested the City's comments, amongst others, on their Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)", prepared as part of the major five year review of the Halton Regional Official Plan.

5. Site Plan Control Application DA-91-08, Frederick and Gwynette Seymour, owners, of lands known as 60 and 70 West Avenue South; Stinson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-91-08, by Frederick and Gwynette Seymour, owners of lands known as 60 & 70 West Avenue South for a residential care facility subject to the following:

- (a) modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

That Section 17(a) of the Twenty-Second Report for 1990 of the Planning and Development Committee to City Council, approved on 1990 December 11th, in regard to Zoning Application 90-78 by Gwynette and Frederick Seymour, owners of land at 70 West Avenue South, be amended as follows:

- (a) amend clause (i)(2.) and (3.) by changing the number of parking spaces from "four" to "three."
- (b) add the following clause as (i)(4.):

"That notwithstanding Section 11.(4)(i) of By-law No. 6593, a minimum lot width of 11.43 m (37'-6") shall be permitted."

Note: The change to the number of parking spaces provided, from four (4) to three (3), is necessary in order to preserve an existing tree that would otherwise have to be removed to accommodate the fourth parking space at the rear of the development.

The change in the minimum lot width is necessary in order to recognize the existing lot width. The lot width was established when the site was used as a private residence.

ADDED - INFORMATION REPORT - South Mountain Development - Development Status

Alderman Ross made reference to an Information Report which had been distributed to members of the Committee in their Agenda package, respecting the above-noted matter.

He raised some concerns on the fact that if the projected population growths for the South Mountain and also the Mountain area materialize, that there would be an unevenness of Ward population distribution on the Mountain Wards versus the lower City Wards which should be addressed at that point.

ZONING APPLICATIONS

6. City Initiative 90-E, for an amendment to the Official Plan, change in zoning from "R-1" to "B-2" and to include the lands in the Gershome Neighbourhood Plan for lands located on the west side of Centennial Parkway South (Hwy. #20) and north of the T.H. & B. railway tracks; Gershome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 21, respecting the above-noted matter.

Report of the circularization was given as follows:

21 notices sent 1 in favour 0 opposed

Owners of the lands were in attendance and indicated that they are in favour of the City Initiative.

The Committee then approved the following:

- (A) That approval be given to Official Plan Amendment No. 98 to establish a "Residential" designation on Schedule "A", to include the lands in "Special Policy Area 1b" on Schedule "B", and to amend Schedules "C", "D", "F", "G" and "H" to extend the boundaries of the City limits, for property located on the east side of Webster Road, north of the T.H. & B. Railway tracks, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That approval be given to City Initiative 90-E, to establish the "B-2" (Suburban Residential) District regulations, to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek, for property located on the east side of Webster Road, north of the T.H. & B. Railway tracks, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the subject lands be zoned "B-2" (Suburban Residential) District;
 - (b) That the "B-2" (Suburban Residential) District regulations, as contained in Section 8B of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That Section 4.(3)(b) shall not apply.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1223, and that the subject lands be added to Zoning District Map E-107 and be notated S-1223;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 98 by the Regional Municipality of Hamilton-Wentworth;
- (f) That the approved Gershome Neighbourhood Plan be amended to include the subject lands within the Neighbourhood and to designate the lands, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) Block "1" - "Open Space";
 - (ii) Block "2" - "Single and Double Residential"; and,
 - (iii) Block "3" - "Utilities".

Note: The purpose of the by-law is to establish the "B-2" (Suburban Residential) District regulations for lands on the east side of Webster Road, north of the T.H.&B. Railway tracks.

The effect of the by-law is to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek.

In addition, the by-law provides for the following variance:

- (a) to exempt the dwellings from the provision which requires residential uses to abut a public highway at least 12.0 m in width.

7. Subdivision Application 25T-90027 and Zoning Application 90-94, Ferrell Builders' Supply Limited and Adorn Investments Limited, owners, for a change in zoning from "R-2" to "R-4" and "H" modified to "R-4" for the rear part of properties at 109 and 115 Hwy. No. 8; Riverdale East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 25, respecting the above-noted matters.

Report of the circularization was given as follows:

90 notes sent 16 in favour 4 opposed

The Committee was also in receipt of a letter of submission from Patricia MacKinnon, 99 Donn Avenue, Unit 405, Stoney Creek.

It was indicated to the Committee that those persons in opposition were primarily concerned with the traffic impact of this proposal.

The Committee then approved the following:

That approval be given to Subdivision Application 25T-90027, Ferrell Builders Supply Limited and Adorn Investments Limited, owners, to establish a draft plan of subdivision in the area north of Highway No. 8, east of Donn Avenue, subject to the following conditions:

- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 15, revised to add 2 additional blocks for development with abutting lands (if required) and now showing 26 lots, 5 blocks for development with abutting lands (Blocks "27", "28", "29", "32" and "33"), and 2 blocks for 0.3 m. reserves (Blocks "30" and "31").
- (b) That the plan not receive final approval until municipal services are available from the lands to the west.
- (c) That the centre line of proposed Berkindale Drive align with the centre line of future Berkindale Drive to be established over lands to the east and west.
- (d) That the streets be dedicated as public highways to the City of Hamilton on the final plan.
- (e) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (f) That the final plan conform to the zoning by-law approved under The Planning Act.
- (g) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (h) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
- (i) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
- (j) That the dead-ends of the road allowance created by the plan be terminated in 0.3 reserves (Blocks "30" and "31") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances.
- (k) That Blocks "27", "28", "29", "32" and "33" be developed only in conjunction with abutting lands.
- (l) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
- (m) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (n) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90027) Ferrell Builders Supply Limited and Adorn Investments Limited, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 90-94, Ferrell Builder's Supply Limited and Adorn Investments Limited, owners requesting changes in zoning from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for "small lot" single-family detached houses, for the rear part of lands municipally known as 109 and 115 Highway No. 8, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for changes in zoning for the rear part of lands municipally known as 109 and 115 Highway No. 8 on the following basis:

- (a) Block "1" - From R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) Block "2" - From "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.

The effect of the by-law is to permit the development of the subject lands for "small lot" single-family detached houses.

8. **Zoning Application 90-95, F. and A. Fontana, owners, for a change in zoning from "AA" to "C" for the rear part of the property at 852 West Fifth Street; Gourley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 25, respecting the above-noted matter.

Report of the circularization was given as follows:

74 notices sent 3 in favour 0 opposed

The Committee approved the following:

That approval be given to Zoning Application 90-95, Franco and Angela Fontana, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings in conjunction with adjacent lands owned by the applicant, for the rear portion of property municipally known as 852 West Fifth Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. W9-B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of property municipally known as 852 West Fifth Street.

The effect of the By-Law is to permit future development of the subject lands for single - family dwellings in conjunction with adjacent lands.

9. Zoning Application 89-95, Diton Construction Ltd., applicant, for a modification to the established "D" District for property at 323 and 325 Wentworth Street North; Landsdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 21, respecting the above-noted matter.

Report of the circularization was given as follows:

151 notices 6 in favour 1 opposed

Mr. Silver, representative of the applicant, spoke to the Committee with respect to their application. He indicated that parking requirements are unnecessary since none of the tenants have cars. He further added that in keeping with the parking requirements that they are presently negotiating with C.N. Rail on renting off-site parking to meet this need. He then requested consideration of approval of their application.

The recommendation of the Commissioner of Planning and Development was for denial of this application for the following reasons:

- (a) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The application has requested 12 residents which is double the capacity permitted and would result in the creation of a "mini-institutional" use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.
- (b) The proposal represents an over intensification of land use in that adequate parking cannot be provide on-site.
- (c) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

Considerable discussion ensued on this application and reference was made to a Fax submission received from Diton Construction Limited, applicant, respecting their request to C.N. Rail for leasing of parking spaces.

The Committee then approved the recommendation subject to a lease being obtained from C.N. Rail for off-site parking, as well as Site Plan approval which would involve the Ward Aldermen.

- (a) That approval be given to Zoning Application 89-95, Diton Construction, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a residential care facility for a maximum of 12 residents for property located at 323 and 325 Wentworth Street North, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 10(1)(i) of By-law No. 6593, a residential care facility for the accommodation of not more than 12 residents shall be permitted within the existing building;
 - (2.) That notwithstanding Section 18A. Table 1.(1) of By-law No. 6593 a minimum of 2 parking spaces shall be provided and maintained.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1224, and that the subject lands on Zoning District Map E-12 be notated S-1224;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as:
 - (i) the applicant enters into a lease agreement with the Canadian National Railway to provide for 3 off-street parking spaces for the residential care facility to the satisfaction of the City Solicitor; and,
 - (ii) the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 323 and 325 Wentworth Street North.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 6 to 12 residents.

In addition, the By-law provides for a variance to permit 2 parking spaces to be provided and maintained whereas 4 parking spaces are required.

10. Zoning Application 91-02, 789149 Ontario Inc. (K. Murphy), owner, for a modification to the "E-3" District for properties at 126 and 128 Young Street; Corktown Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter.

Mr. Brian Orlick, and Mr. Murphy, representatives for the applicant were in attendance to speak to the application.

Mr. P. Mallard of the Planning Department indicated that there would be an amendment to the resolution which would permit one small accessory ground sign for the property.

The Committee was in receipt of a letter from Robert J. Charko, on behalf of 805687 Ontario Limited, the present owners of 75 Young Street, indicating that they have no objection to the proposed zoning change.

The Committee then approved the following:

- (a) That approval be given to Zoning Application 91-02, 789149 Ontario Inc., (Mrs. Karen Murphy), owner, for a modification to the "E-3" (High Density Multiple Dwellings) District regulations to permit an addition to the rear of the existing medical office/residential building located on adjacent lands at 132 Young Street (Block "2"), by adding properties municipally known as 126 and 128 Young Street (Block "1"), shown as Blocks "1" and "2" on the attached map marked as Appendix "F", on the following basis:
 - (i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, as amended by By-law 89-83, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) In addition to the uses permitted in Section 11C.(1)(i) the following additional uses shall be permitted:
 - (a) medical offices on the first floor;
 - (b) 3 dwelling units on the second floor;
 - (c) storage, utilities/maintenance in the basement/cellar;
 - (d) One ground sign, wall sign, or projecting sign of an area of not more than 0.4 square metres (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
 - (2.) That notwithstanding Section 11C.(4) the uses listed under 1(a), 1(b) and 1(c) above shall be permitted within a building having a maximum gross floor area of 690 m²;
 - (3.) That notwithstanding Section 11C.(5) a minimum landscaped area of 20% of the area of the lot shall be provided and maintained;

- (4.) That a minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained;
 - (5.) That notwithstanding Section 18A.(11)(a) and 12(a) a landscaped planting strip having a minimum width of 0.8 m shall be provided and maintained along the westerly side lot line;
 - (6.) That a minimum 2.5 m wide landscaped planting strip excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area;
 - (7.) That Sections 18A.(11), (12) and (26) shall not apply to the easterly parking area;
 - (8.) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly side property line and the entire southerly rear lot line;
 - (9.) That notwithstanding Section 18A.1(f) manoeuvring space having an aisle width of not less than 5.3 m shall be provided and maintained for the easterly parking area.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1225, and that the subject lands on Zoning District Map E-5 be notated S-1225;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "High Density Apartments" to "Commercial and Apartments".
- (b) That By-law 89-83 be repealed in its entirety.

Note: The purpose of this By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations for property municipally known as 126, 128, and 132 Young Street, shown as Blocks "1" and "2".

The effect of the By-law is to permit a one storey addition to the rear of the existing medical office building at 132 Young Street (Block "2"). The existing dwellings located at 126 and 128 Young Street (Block "1") are to be demolished to permit the building addition.

In addition, the By-law provides for the following variances as special requirements:

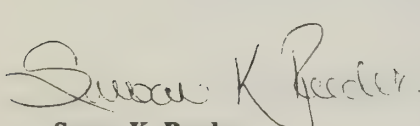
- (a) To restrict the use of the building to medical offices on the first floor, 3 dwelling units on the second floor, storage, utilities/maintenance in the basement/cellar, and to permit a maximum gross floor area of 690m²;

- (b) To permit one ground sign, wall sign, or projecting sign of an area of not more than 0.4 m² (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district;
- (c) A minimum landscaped area of 20% of the area of the lot shall be provided and maintained, whereas 40% is required;
- (d) A minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained on-site, whereas 14 parking spaces are required;
- (e) A minimum 0.8 m wide landscaped planting strip shall be provided and maintained along the westerly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district;
- (f) A minimum 2.5 m wide landscaped planting strip, excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area (Block "1");
- (g) No landscaped planting strip is to be provided along the easterly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (h) No 1.2 m to 2.0 m high visual barrier is to be provided and maintained along the easterly side lot line, whereas a visual barrier is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (i) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire westerly side property line and the entire southerly rear property line;
- (j) The easterly access driveway will abut the adjoining residential district boundary, whereas a minimum setback of 3.0 m is required (previously approved By-law variance);
- (k) The required manoeuvring space for the easterly parking lot shall be a minimum of 5.3 m in width, whereas a minimum of 6.0 m is required (previously approved By-law variance).

There being no future business, the meeting then adjourned.

Taken as read and approved,


**ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**


**Susan K. Reeder
Secretary
1991 April 3**

PLANNING AND DEVELOPMENT COMMITTEE
WEDNESDAY, 1991 APRIL 24th
C O N S E N T A G E N D A

MINUTES OF THE MEETINGS OF THE PLANNING AND DEVELOPMENT COMMITTEE

- A. Minutes of the meetings of the Planning and Development Committee held on Wednesday, 1991 March 20th and Wednesday, 1991 April 3rd.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

- B. 101 Leland Avenue.
C. 11 Rosewood Drive.
D. 762 Ninth Avenue.
E. 126 Young Street.
F. 128 Young Street.
G. 1606 Upper Gage Avenue.
H. 1610 Upper Gage Avenue.
I. 1614 Upper Gage Avenue.
J. 1620 Upper Gage Avenue.

MANAGER OF PURCHASING

- K. Final Lot Grading and Sodding, various Subdivisions during 1991.

DIRECTOR OF LOCAL PLANNING

- L. Proposal to remove part-lot control from Lots 1-19 inclusive, north of Independence Drive and fronting on to the extension of Rutledge Court; Templemead Neighbourhood.

Wednesday, 1991 March 20
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman D. Ross
Alderman H. Merling
Alderman W. McCulloch
Alderman V. Formosi

A.

Also present:

Alderman D. Agostino
Alderman B. Hinkley
Alderman G. Copps
Alderman T. Murray
Mr. D. Kelterborn, Board of Education
Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Ms. J. McNeilly, Public Works Department, Community Renewal
Section
Mr. K. Brenner, Regional Engineering Department
Mr. L. Farr, Law Department
Mr. B. Janssen, Planning Department
Mr. J. Robinson, Building Department, Loans Section
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. J. Schwarz, Regional Planning Department
Mr. R. Karl, Traffic Department
Mr. A. Harvey, Building Department
Mr. L. Lanza, Regional Planning Department
Mr. J. Sakala, Planning Department
Mr. D. Dube, Public Works Department, Community Renewal
Section
Mr. B. Allick, Building Department
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

**ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT
COMMITTEE**

- A. The Committee was in receipt of the minutes of their meeting held Wednesday, 1991 March 6th and approved these minutes.

BUILDING COMMISSIONER

- B. **Demolition Permit Application - 1129 Cannon Street East.**

The Committee was in receipt of a report from the Building Commissioner dated 1991 March 8, respecting the above-noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 1129 Cannon Street East.

DIRECTOR OF LOCAL PLANNING**C. Proposed Draft Plan of Condominium - Taba Developments Ltd., south of Stone Church Road East on the east side of Upper Ottawa Street.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter and approved the following:

That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90010, Taba Developments Ltd., owner, to establish a draft plan of condominium located south of Stone Church Road East on the east side of Upper Ottawa Street, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Rady-Pentek & Edward Surveying Ltd., dated 1990 August 22, showing 12 industrial units.
- (b) That the owner receives approval of an amendment to Site Plan Control Application DA-88-86 prior to Final Approval.

REGULAR AGENDA**ALDERMAN B. HINKLEY****1. Ontario Home Renewal Programme - Disabled - 137 Birge Street.**

The Committee was in receipt of a request from Alderman Hinkley to appear before the Committee, respecting the above-noted matter.

Mr. J. Robinson, Building Department, Community Renewal Section, spoke to the Committee and outlined the status of the programme application. He also made reference to the report of the Building Commissioner dated 1991 March 14, outlining the specifics of the application and particularly pointed out their letter dated 1991 February 22, to Mr. Gordon Simpson of 137 Birge Street.

Alderman Hinkley spoke on behalf of the persons in attendance respecting this matter, namely Mr. & Mrs. Simpson, the home owners and Mr. Carson, a neighbour. Alderman Hinkley distributed pictures to the Committee of the home taken on Monday (1991 March 18) and indicated that the work was not done to specifications.

Mr. Carson, the neighbour, spoke on behalf of the Simpsons, and spoke about the work not being done properly. He added that he was the person who convinced the Simpsons to have the work done under the Grant Programme and Mr. Carson also mentioned that Schedule "A" was not completed.

The Committee then agreed to move In-Camera to hear evidence of a possible litigation nature.

The Committee then moved back into Regular Session and approved the following recommendation:

- (a) That the remainder of the work listed on Addendum Schedule "A" of the Ontario Home Renewal Programme Grants - Disabled - for the property at 137 Birge Street, for the remaining funding balance of \$1,870.00 be completed;
- (b) That in consultation with, and as determined by an Occupational Therapist, additional work to modify the home to meet the needs of the Applicant, be completed at a maximum cost of \$5,000.00; and,
- (c) That the funding for the additional work at a maximum cost of \$5,000.00 be derived from the Ontario Home Renewal Programme Accounts.

Note: Aldermen's Ross, Lombardo and Merling opposed.

ALDERMAN D. DRURY

2. Resolution - Tenant Protection.

The Committee was in receipt of a memorandum from Alderman Drury dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That Alderman Drury be authorized to meet with either the Provincial Minister of Municipal Affairs or his designated official to discuss the rationale behind the City's recently approved resolution regarding landlords' financial compensation to tenants who are forced to vacate illegal dwelling units.

ZONING APPLICATIONS

8. Zoning Application 90-70, 740898 Ontario Inc. (L. and E. McCarthy) owner, for a further modification to the "D" District regulations for property at 41 and 45 Cathcart Street; Beasley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Zoning Application 90-70, 740898 Ontario Inc. (Leroy McCarthy and Elaine McCarthy), owners, requesting a further modification to the "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing Residential Care Facility from 16 to 22 residents, for property located at 41-45 Cathcart Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 84-103, be further modified to include the following variances as special requirements:

- (i) That Section 1. (a) of By-law No. 84-103 be amended by changing the number "16" in the fourth line to "22", so that the revised clause (a) reads as follows:
 - " (a) Notwithstanding subsection 10(1) of By-law No. 6593, a residential care facility for the accommodation of not more than 22 residents shall be permitted in the existing building;"
 - (ii) That Section 1. (b) of By-law No. 84-103 be amended by changing the number "205 m²" to "148 m²" so that the revised clause (b) reads as follows:
 - " (b) an outdoor amenity area not less than 148 m² shall be provided and maintained on the lot;"
 - (iii) That Section 1. (d) of By-law 84-103 be deleted;
 - (iv) That the following new clauses be added to Section 1 of By-law No. 84-103;
 - (d) Notwithstanding subsection 18A. (7) of By-law No. 6593 the 4 parking spaces situated in the required front yard shall have a minimum width of 2.6 m;
 - (e) Notwithstanding subsection 18A. (9) of By-law No. 6593 the required manoeuvring space for the 8 required parking spaces may be located off-site;
 - (f) That subsections 18A. (11) and (12) of By-law No. 6593 shall not apply;
 - (g) Notwithstanding subsection 18A. (14) of By-law No. 6593 4 of the required 8 parking spaces may be located within the required front yard.
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-861a, and that the subject lands on Zoning District Map E-4 be notated S-861a;
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 41 and 45 Cathcart Street.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 16 to 22 residents.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outdoor amenity area of 148 m² as opposed to 205 m²;
- (b) to permit 4 parking spaces located in the front yard to have a minimum width of 2.6 m, whereas 2.7 m is required;
- (c) to permit the manoeuvring space for the 8 required parking spaces to be provided off-site;
- (d) to permit 4 of the required 8 parking spaces to be located within the required front yard;
- (e) to exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip and a 1.2 m to 2.0 m high visual barrier between the parking area and the residential district.

9. Subdivision Application 25T-90023 and Zoning Application 90-46, Primecan Holdings Inc., owner, for changes in zoning from "AA" to "C", "E-2" and "RT-20" for land on the west side of Upper Wellington Street and south of the proposed Mountain Freeway, Jerome Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 12, respecting the above-noted matter.

Mr. A. Georgieff, Director of Local Planning, indicated to the Committee that Mr. J. Schwarz would be retiring soon and that this meeting of the Planning and Development would be his last. The members expressed their appreciation and farewell to Mr. Schwarz for his many years of service to the Corporation and Mr. Schwarz then introduced and spoke to the Subdivision Application before the Committee.

Report of the circularization was given as follows:

139 notices sent 11 in favour 1 opposed

The Committee discussed this matter at some length and made the following recommendation with condition that the approval be contingent on the inclusion of a noise study under Site Plan.

The Committee then approved the following:

- (a) That approval be given to Subdivision Application 25T-90023, Primecan Holdings Inc., owner, to establish a draft plan of subdivision south of Limeridge Road and west of Upper Wellington Street, subject to the following conditions:
 - (i) That the approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 8, revised to show 14 lots for single-family dwellings; 1 block (Block "15") for row or townhouse development; 2 blocks (Block "16 and 30") for apartment development; 13 blocks (Blocks "17" to "29") for development with adjacent lands; 2 blocks (Blocks "31" and "32") as 0.3 metre reserves; and a road widening (Block "33").
 - (ii) That lots "1" to "14" and Blocks "15", "16" and "30" not be developed until lands directly to the east of Upper Wellington Street ("Rose Gardens", 25T-89032) has been registered.

- (iii) That Blocks "17" to "29" (inclusive), be developed only in conjunction with adjacent lands to south and west.
 - (iv) That the owner provide 2.0m x 2.0m daylight triangles at the corners of Block "17" and Block "27" and a 12.0m x 12.0m daylight triangle at the corner of Block "30" at the intersection of Upper Wellington Street and Street "A".
 - (v) That road allowances, widenings and daylight triangles be dedicated as public roads on the final plan.
 - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (vii) That Street "A" align centreline to centreline with future Sirente Drive east of Upper Wellington Street in the "Rose Gardens" subdivision (25T-89032).
 - (viii) That the road allowance to the south and adjacent to Block "30" be established to its full width prior to registration of the Final plan of subdivision.
 - (ix) That the applicant provide a 15.0m wide easement, in favour of the Region, for a berm adjacent to the Freeway, extending along the rear portions of Lots "1" and "2" and Blocks "29", "15" and "16".
 - (x) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (xi) That the owner make a cash payment in lieu of the conveyance of land included in the final plan to the City of Hamilton for park purposes.
 - (xii) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
 - (xiii) That the owner provide the City of Hamilton with a certified list showing the neat area and width of each lot and block in the final plan.
 - (xiv) That Blocks "31" and "32", the 0.3m reserves be conveyed to the City of Hamilton.
 - (xv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xvi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into the by Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90023), Primecan Holdings Inc., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 90-46, Primecan Holdings Inc., owner, requesting a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District for Block "1", to "E-2" - "H" (Multiple Dwellings - Holding) District for Block "2", and to "RT-20" - "H" (Townhouse-Maisonette - Holding) District for Block "3", for property located on the west side of Upper Wellington Street in the area south of the Mountain Freeway, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available.

Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

- (b) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (c) That Block "2" be rezoned from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District;
- (d) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District;
- (e) That the "E-2" (Multiple Dwellings) District regulations, as contained in Section 11B of By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special provision:
- (i) That no vehicular access to and egress from Block "2" shall be permitted from Upper Wellington Street;
- (f) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special provision:
- (i) That notwithstanding Section 10E of By-law No. 6593, a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for that portion required as a berm easement;
- (g) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1221, and that the subject lands on Zoning District Map E-9B be notated S-1221;
- (h) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council; and,
- (i) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- (j) That the application/owner be required to undertake a Noise Attenuation Study under Site Plan approval.

Note: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by City Council to remove the "H" symbol, and thereby give effect to the "C", "E-2", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property located on the east side of Upper Wellington Street in the area south of the Mountain Freeway.

- (a) Block "1" - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District;
- (b) Block "2" - Change from "AA" (Agricultural) District to "E-2" - "H" (Multiple Dwellings - Holding) District; and,
- (c) Block "3" - Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette - Holding) District.

The effect of the By-law is to permit future development of the subject land for:

- (a) Block "1" - Single-Family Detached Dwellings;
- (b) Block "2" - Multiple Dwellings (Apartments); and,
- (c) Block "3" - Townhouses or Maisonettes.

In addition, the By-law establishes the following variances as special provisions:

- (a) Block "2" - no vehicular access shall be permitted from Upper Wellington Street; and,
- (b) Block "3" - a planting strip of not less than 3.0 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the most northerly fifty feet of this Block, which is required as a berm easement.

10. Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 8, respecting the above-noted matter.

The Committee was also in receipt of a letter from the applicants for the Zoning Application, requesting that this matter be tabled to the next convenient date, in order that the Principal of Rymal Square Development Inc. could be in attendance to speak to this application.

Accordingly, the Committee agreed to table this application to the next nearest convenient date.

11. Zoning Application 90-41, J. Morrison and S. Zemaitis, owners, for a modification to the "C" District regulations for property at 172 Sanford Avenue South; St. Clair Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 11, respecting the above-noted matter.

The Committee was also in receipt of the following submissions:

- (a) Phil Wells, 145 Gladstone Avenue.
- (b) Suzanne Duncan (nee Turner), 11 Rutherford Avenue.

Report of the circularization was given as follows:

352 notices sent 18 in favour 24 opposed

A representative for Mr. Zemaitis, co-owner, spoke on behalf of the application and gave reasons why the application should be approved. He added that the use has existed for 30 years.

The Committee discussed this application at great length and the recommendation for denial resulted in a tie vote.

In accordance with City policy, this matter was referred to City Council in the negative as follows:

That Zoning Application 90-41, John Morrison and Saulis Zemaitis, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 172 Sanford Avenue South, as shown on the attached map marked as Appendix "C", not be approved for the following reasons:

- (a) It does not comply with the intent of the Official Plan in that it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly occupied by one and two family dwellings;
- (b) It is an overintensification of land use in that adequate off-street parking cannot be provided (only one legal parking space can be provided whereas four are required); and,
- (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

Note: The above-noted resolution resulted in a tie-vote at the Planning and Development Committee, and in accordance with City policy is herewith presented to City Council.

12. Zoning Application 90-87, Hamilton-Wentworth Catholic Separate School Board, owner, for a change in zoning from "D" to "C" for land at 295 Green Cedar Drive; Gurnett Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 7, respecting the above-noted matter.

The Committee was also in receipt of a letter from E.S. Gera, Planning and Statistical Assistant, The Hamilton-Wentworth Roman Catholic Separate School Board, requesting that this application for rezoning be withdrawn.

Accordingly, the Committee deleted this item from their Agenda and acknowledged that this zoning application has been withdrawn by the applicant.

DIRECTOR OF PUBLIC WORKS**3. Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.), Community Improvement Plan (C.I.P.)**

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 12, respecting the above-noted matter.

The Committee approved the following:

That subject to a Public Meeting to be held on 1991 April 08, at 7:00 p.m. in City Hall, to receive citizens' input and, that no substantive changes are made to the Community Improvement Plan, that the following be approved:

- (a) That the Community Improvement Plan for the Central/Beasley Neighbourhood, attached hereto as Appendix "D", be approved in order to implement the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law; and,
- (c) That the Mayor and City Clerk be hereby authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Agreement pursuant to which P.R.I.D.E. will be implemented in the Central/Beasley Neighbourhood.

4. Anti-Recession P.R.I.D.E. Allocation.

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 11, respecting the above-noted matter.

The Committee approved the following:

- (a) That the Community Renewal Section of the Public Works Department be authorized to advise the Ministry of Municipal Affairs of The City of Hamilton's intention to utilize the Anti-Recession P.R.I.D.E. allocation of \$400,000.00 to be matched by a Municipal contribution of \$400,000.00; and,

Note: This allocation is being offered by the Ministry of Municipal Affairs over and above any other applications the City may have made for funding.

- (b) That the City's portion of the Programme be financed through existing budgets such that no additional financing be required; and,
- (c) That the Anti-Recession P.R.I.D.E. funds be allocated for use within existing Community Improvement Project Areas and Redevelopment Areas previously designated under the Planning Act; and,
- (d) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Programme.

5. Public Service Announcement (P.S.A.) II - Phase IV, Downtown Hamilton Action Plan, Implementation of Sanitation Study recommendation.

The Committee was in receipt of a report from the Director of Public Works dated 1991 March 11, respecting the above-noted matter and approved the following:

- (a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Phase IV Downtown Action Plan, Public Service Announcement (P.S.A.) Competition:
 - (i) First prize - Ms. Vera Mitropoulos, production of "Community" - \$700.00.
 - (ii) Second prize - Ms. Barb Forsyth, production of "Litter" - for technical merit - \$500.00; and,
- (b) That a \$700.00 donation be given to the Television Broadcasting Programme of Mohawk College of Applied Arts and Technology for the use of equipment and materials during the preparation of submissions for the Public Service Announcement Competition; and,
- (c) That the prizes referred in (a) above be presented to the winners at City Council on 1991 March 26 by Mayor R. Morrow and Alderman B. Hinkley, Chairman of the Keep Hamilton Clean Committee.

Note: Since the winning P.S.A. is scheduled to be released to coincide with Pitch-In Week 1991 May 06-12, it is critical that the awards be distributed at the 1991 March 26 City Council.

DIRECTOR OF LOCAL PLANNING

6. Update - Day Nurseries By-law.(no copy)

Mr. P. Mallard of the Planning Department spoke to the Committee with respect to the status of the Day Nurseries By-law and the Niagara Escarpment Commission's appeal.

The Committee discussed this matter and the following recommendation was approved:

- (a) That the City of Hamilton initiate an amendment to By-law No. 90-248, to prohibit Day Nurseries in the Red Hill Valley between the T.H. & B. Railway tracks to the north and Greenhill Avenue to the South, as shown on the attached map marked as Appendix "E"; and,
- (b) That the City Clerk notify the Niagara Escarpment Commission of City Council's decision.
- (c) That the City Solicitor be directed to prepare the appropriate By-law.

BUILDING COMMISSIONER

7. Building Department Service - Reorganization of Administration and Plan Examination Division. (Private and Confidential)

The Committee was in receipt of a Private and Confidential report from the Building Commissioner, respecting the above-noted matter.

The Committee met In-Camera to discuss this report, following which they moved into Regular Session and approved the following:

- (a) That the organizational structure for the Administrative function of the Building Department as shown on Schedule A, attached herewith as Appendix "F", be approved.
- (b) That the newly established positions of Director of Technical Services and Deputy Building Commissioner, Manager of Field Services, Manager of Customer Services, Building Applications Analyst, Budget Co-Ordinator, Secretary-Treasurer of Committee of Adjustment, be referred to the Commissioner of Human Resources for classification. Also, the Stenographic and Administrative Assistant positions are to be reviewed for determination of proper classifications.
- (c) That the organizational structure for the Plan Examination Division of the Building Department as shown on Table B, attached herewith as Appendix "G", be approved.
- (d) That the newly established positions of Supervisor of Customer Services, Plan Examiner/Customer Service Representatives, Receptionist, and Telephone Receptionist be referred to the Commissioner of Human Resources for classification. Also, the Stenographic positions are to be reviewed for determination of proper classification.
- (e) That the organizational structure for the Inspection Division of the Building Department as shown on Table C, attached herewith as Appendix "H", be approved.

Note: The existing staff complement will be reduced permanently by three (3) persons. One additional full time position will also not be filled for 1991 or 1992. This position will remain vacant until such time as work levels justify budgeting. Savings for 1991 will be \$57,000.00 and for 1992 will be \$77,000.00. It is anticipated that funds will be required from the capital budget to make the physical changes to the office environment to accommodate the new work process.

ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN F. LOMBARDI, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE**

Susan K. Reeder
Secretary
1991 March 20

Wednesday, 1991 April 3
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Acting Chairman
Mayor Robert M. Morrow
Alderman D. Ross
Alderman M. Kiss
Alderman D. Wilson
Alderman W. McCulloch
Alderman V. Formosi

Regrets: Alderman F. Lombardo, Chairman (Vacation)
Alderman H. Merling (Vacation)

Also present: Alderman T. Murray
Mr. G. Korz, Board of Education
Mr. A. Georgieff, Director of Local Planning
Mr. B. Janssen, Planning Department
Ms. J. McNeilly, Community Renewal Section, Public Works
Department
Mr. K. Brenner, Regional Engineering Department
Mr. G. Robis, Building Department
Mr. P. Hooker, Law Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. D. Inglis, Building Department
Mr. L. King, Building Commissioner
Mrs. N. Chapple, Planning Department
Mr. J. Sakala, Planning Department
Mr. R. Karl, Traffic Department
Mr. P. Mallard, Planning Department
Mr. E. Switenky, Traffic Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

BUILDING COMMISSIONER

A. Demolition Permit Applications:

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

- (a) 221 Brant Street
- (b) 219 Brant Street

REGULAR AGENDA

PARKS AND RECREATION COMMITTEE

2. Parkland Acquisition and Development - Implementing Revenue Producing Strategies.

The Committee was in receipt of a report from the Acting Secretary of the Parks and Recreation Committee, respecting the above-noted matter.

The Committee approved the following:

- (a) That the Planning and Development Committee be requested to investigate the potentials for implementing additional revenue producing strategies for parkland acquisition and development including Provincial and Federal programmes and increasing the standards for parkland dedication, as authorized in the Planning Act.
- (b) That staff be requested to prepare a report within the next two months on this item.

The Committee directed that this work be undertaken by the Director of Local Planning.

Note: Mayor Morrow opposed.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

3. Legislation for Exterior Building Cleaners/Sandblasters - Proposed amendments to Building Code Act and Municipal Act.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1991 March 28, respecting the above-noted matter.

The Committee approved the following:

That the City of Hamilton request the Provincial Government to amend The Building Code Act to require the issuance of building permits for exterior building cleaning (including sandblasting).

Note: L.A.C.A.C. has expressed concern that no legislation exists to prevent sandblasting, a building cleaning process particularly harmful to many 19th Century buildings in Hamilton. A requirement of a building permit would enable the municipality to control sandblasting.

The Committee also directed that the following recommendation be forwarded to the Finance and Administration Committee for their consideration as it affects their area of jurisdiction:

That the City of Hamilton request the Provincial Government to amend The Municipal Act to enable municipalities to examine and licence exterior building cleaners (including sandblasting).

DIRECTOR OF LOCAL PLANNING

4. Halton Regional Plan - Review Report - Request for comments.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter and approved the following:

That the City Clerk be directed to advise the Regional Municipality of Halton that proposals outlined in the Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)" has no impact on the planning intentions of the City of Hamilton. The City would, however, appreciate the opportunity to comment on any future amendments to Halton Region's Official Plan that are prepared as a result of the public input received on this Report.

Note: Halton Region has requested the City's comments, amongst others, on their Report B4 "Land Stewardship and Healthy Communities: A Vision for the 90's and Beyond (Draft)", prepared as part of the major five year review of the Halton Regional Official Plan.

5. Site Plan Control Application DA-91-08, Frederick and Gwynette Seymour, owners, of lands known as 60 and 70 West Avenue South; Stinson Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-91-08, by Frederick and Gwynette Seymour, owners of lands known as 60 & 70 West Avenue South for a residential care facility subject to the following:

- (a) modification to the plan in relation to notes and dimensions as marked in red on the plan;
- (b) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

That Section 17(a) of the Twenty-Second Report for 1990 of the Planning and Development Committee to City Council, approved on 1990 December 11th, in regard to Zoning Application 90-78 by Gwynette and Frederick Seymour, owners of land at 70 West Avenue South, be amended as follows:

- (a) amend clause (i)(2.) and (3.) by changing the number of parking spaces from "four" to "three."
- (b) add the following clause as (i)(4.):

"That notwithstanding Section 11.(4)(i) of By-law No. 6593, a minimum lot width of 11.43 m (37'-6") shall be permitted."

Note: The change to the number of parking spaces provided, from four (4) to three (3), is necessary in order to preserve an existing tree that would otherwise have to be removed to accommodate the fourth parking space at the rear of the development.

The change in the minimum lot width is necessary in order to recognize the existing lot width. The lot width was established when the site was used as a private residence.

ADDED - INFORMATION REPORT - South Mountain Development - Development Status

Alderman Ross made reference to an Information Report which had been distributed to members of the Committee in their Agenda package, respecting the above-noted matter.

He raised some concerns on the fact that if the projected population growths for the South Mountain and also the Mountain area materialize, that there would be an unevenness of Ward population distribution on the Mountain Wards versus the lower City Wards which should be addressed at that point.

ZONING APPLICATIONS

6. **City Initiative 90-E, for an amendment to the Official Plan, change in zoning from "R-1" to "B-2" and to include the lands in the Gershome Neighbourhood Plan for lands located on the west side of Centennial Parkway South (Hwy. #20) and north of the T.H. & B. railway tracks; Gershome Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 21, respecting the above-noted matter.

Report of the circularization was given as follows:

21 notices sent 1 in favour 0 opposed

Owners of the lands were in attendance and indicated that they are in favour of the City Initiative.

The Committee then approved the following:

- (A) That approval be given to Official Plan Amendment No. 98 to establish a "Residential" designation on Schedule "A", to include the lands in "Special Policy Area 1b" on Schedule "B", and to amend Schedules "C", "D", "F", "G" and "H" to extend the boundaries of the City limits, for property located on the east side of Webster Road, north of the T.H. & B. Railway tracks, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That approval be given to City Initiative 90-E, to establish the "B-2" (Suburban Residential) District regulations, to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek, for property located on the east side of Webster Road, north of the T.H. & B. Railway tracks, as shown on the attached map marked as Appendix "A", on the following basis:
 - (a) That the subject lands be zoned "B-2" (Suburban Residential) District;
 - (b) That the "B-2" (Suburban Residential) District regulations, as contained in Section 8B of Zoning By-law No. 6593, be modified to include the following variance as a special requirement:
 - (i) That Section 4.(3)(b) shall not apply.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1223, and that the subject lands be added to Zoning District Map E-107 and be notated S-1223;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-107 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 98 by the Regional Municipality of Hamilton-Wentworth;
- (f) That the approved Gershome Neighbourhood Plan be amended to include the subject lands within the Neighbourhood and to designate the lands, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) Block "1" - "Open Space";
 - (ii) Block "2" - "Single and Double Residential"; and,
 - (iii) Block "3" - "Utilities".

Note: The purpose of the by-law is to establish the "B-2" (Suburban Residential) District regulations for lands on the east side of Webster Road, north of the T.H.&B. Railway tracks.

The effect of the by-law is to establish an appropriate zoning district for lands in the City of Hamilton, formerly in the City of Stoney Creek.

In addition, the by-law provides for the following variance:

- (a) to exempt the dwellings from the provision which requires residential uses to abut a public highway at least 12.0 m in width.

7. Subdivision Application 25T-90027 and Zoning Application 90-94, Ferrell Builders' Supply Limited and Adorn Investments Limited, owners, for a change in zoning from "R-2" to "R-4" and "H" modified to "R-4" for the rear part of properties at 109 and 115 Hwy. No. 8; Riverdale East Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 25, respecting the above-noted matters.

Report of the circularization was given as follows:

90 notes sent 16 in favour 4 opposed

The Committee was also in receipt of a letter of submission from Patricia MacKinnon, 99 Donn Avenue, Unit 405, Stoney Creek.

It was indicated to the Committee that those persons in opposition were primarily concerned with the traffic impact of this proposal.

The Committee then approved the following:

That approval be given to Subdivision Application 25T-90027, Ferrell Builders Supply Limited and Adorn Investments Limited, owners, to establish a draft plan of subdivision in the area north of Highway No. 8, east of Donn Avenue, subject to the following conditions:

- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 November 15, revised to add 2 additional blocks for development with abutting lands (if required) and now showing 26 lots, 5 blocks for development with abutting lands (Blocks "27", "28", "29", "32" and "33"), and 2 blocks for 0.3 m. reserves (Blocks "30" and "31").
- (b) That the plan not receive final approval until municipal services are available from the lands to the west.
- (c) That the centre line of proposed Berkindale Drive align with the centre line of future Berkindale Drive to be established over lands to the east and west.
- (d) That the streets be dedicated as public highways to the City of Hamilton on the final plan.
- (e) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (f) That the final plan conform to the zoning by-law approved under The Planning Act.
- (g) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (h) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
- (i) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
- (j) That the dead-ends of the road allowance created by the plan be terminated in 0.3 reserves (Blocks "30" and "31") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances.
- (k) That Blocks "27", "28", "29", "32" and "33" be developed only in conjunction with abutting lands.
- (l) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
- (m) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (n) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90027) Ferrell Builders Supply Limited and Adorn Investments Limited, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to Zoning Application 90-94, Ferrell Builder's Supply Limited and Adorn Investments Limited, owners requesting changes in zoning from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for "small lot" single-family detached houses, for the rear part of lands municipally known as 109 and 115 Highway No. 8, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be rezoned from "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the by-law is to provide for changes in zoning for the rear part of lands municipally known as 109 and 115 Highway No. 8 on the following basis:

- (a) Block "1" - From R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) Block "2" - From "H" (Community Shopping and Commercial, etc.) District, modified to "R-4" (Small Lot Single-Family Detached) District.

The effect of the by-law is to permit the development of the subject lands for "small lot" single-family detached houses.

8. Zoning Application 90-95, F. and A. Fontana, owners, for a change in zoning from "AA" to "C" for the rear part of the property at 852 West Fifth Street; Gourley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 25, respecting the above-noted matter.

Report of the circularization was given as follows:

74 notices sent 3 in favour 0 opposed

The Committee approved the following:

That approval be given to Zoning Application 90-95, Franco and Angela Fontana, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit future development for single-family dwellings in conjunction with adjacent lands owned by the applicant, for the rear portion of property municipally known as 852 West Fifth Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map No. W9-B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Note: The purpose of the By-Law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of property municipally known as 852 West Fifth Street.

The effect of the By-Law is to permit future development of the subject lands for single - family dwellings in conjunction with adjacent lands.

9. **Zoning Application 89-95, Diton Construction Ltd., applicant, for a modification to the established "D" District for property at 323 and 325 Wentworth Street North; Landsdale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 21, respecting the above-noted matter.

Report of the circularization was given as follows:

151 notices 6 in favour 1 opposed

Mr. Silver, representative of the applicant, spoke to the Committee with respect to their application. He indicated that parking requirements are unnecessary since none of the tenants have cars. He further added that in keeping with the parking requirements that they are presently negotiating with C.N. Rail on renting off-site parking to meet this need. He then requested consideration of approval of their application.

The recommendation of the Commissioner of Planning and Development was for denial of this application for the following reasons:

- (a) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The application has requested 12 residents which is double the capacity permitted and would result in the creation of a "mini-institutional" use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.
- (b) The proposal represents an over intensification of land use in that adequate parking cannot be provide on-site.
- (c) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

Considerable discussion ensued on this application and reference was made to a Fax submission received from Diton Construction Limited, applicant, respecting their request to C.N. Rail for leasing of parking spaces.

The Committee then approved the recommendation subject to a lease being obtained from C.N. Rail for off-site parking, as well as Site Plan approval which would involve the Ward Aldermen.

- (a) That approval be given to Zoning Application 89-95, Diton Construction, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a residential care facility for a maximum of 12 residents for property located at 323 and 325 Wentworth Street North, as shown on the attached map marked as Appendix "E", on the following basis:
 - (i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 10(1)(i) of By-law No. 6593, a residential care facility for the accommodation of not more than 12 residents shall be permitted within the existing building;
 - (2.) That notwithstanding Section 18A, Table 1.(1) of By-law No. 6593 a minimum of 2 parking spaces shall be provided and maintained.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1224, and that the subject lands on Zoning District Map E-12 be notated S-1224;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for passage by City Council until such time as:
 - (i) the applicant enters into a lease agreement with the Canadian National Railway to provide for 3 off-street parking spaces for the residential care facility to the satisfaction of the City Solicitor; and,
 - (ii) the applicant has applied for and received site plan approval.

Note: The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at 323 and 325 Wentworth Street North.

The effect of the By-law is to permit an increase in the maximum capacity of the established residential care facility from 6 to 12 residents.

In addition, the By-law provides for a variance to permit 2 parking spaces to be provided and maintained whereas 4 parking spaces are required.

10. Zoning Application 91-02, 789149 Ontario Inc. (K. Murphy), owner, for a modification to the "E-3" District for properties at 126 and 128 Young Street: Corktown Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1991 March 27, respecting the above-noted matter.

Mr. Brian Orlick, and Mr. Murphy, representatives for the applicant were in attendance to speak to the application.

Mr. P. Mallard of the Planning Department indicated that there would be an amendment to the resolution which would permit one small accessory ground sign for the property.

The Committee was in receipt of a letter from Robert J. Charko, on behalf of 805687 Ontario Limited, the present owners of 75 Young Street, indicating that they have no objection to the proposed zoning change.

The Committee then approved the following:

- (a) That approval be given to Zoning Application 91-02, 789149 Ontario Inc., (Mrs. Karen Murphy), owner, for a modification to the "E-3" (High Density Multiple Dwellings) District regulations to permit an addition to the rear of the existing medical office/residential building located on adjacent lands at 132 Young Street (Block "2"), by adding properties municipally known as 126 and 128 Young Street (Block "1"), shown as Blocks "1" and "2" on the attached map marked as Appendix "F", on the following basis:
 - (i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593, as amended by By-law 89-83, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) In addition to the uses permitted in Section 11C.(1)(i) the following additional uses shall be permitted:
 - (a) medical offices on the first floor;
 - (b) 3 dwelling units on the second floor;
 - (c) storage, utilities/maintenance in the basement/cellar;
 - (d) One ground sign, wall sign, or projecting sign of an area of not more than 0.4 square metres (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
 - (2.) That notwithstanding Section 11C.(4) the uses listed under 1(a), 1(b) and 1(c) above shall be permitted within a building having a maximum gross floor area of 690 m²;
 - (3.) That notwithstanding Section 11C.(5) a minimum landscaped area of 20% of the area of the lot shall be provided and maintained;

- (4.) That a minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained;
 - (5.) That notwithstanding Section 18A.(11)(a) and 12(a) a landscaped planting strip having a minimum width of 0.8 m shall be provided and maintained along the westerly side lot line;
 - (6.) That a minimum 2.5 m wide landscaped planting strip excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area;
 - (7.) That Sections 18A.(11), (12) and (26) shall not apply to the easterly parking area;
 - (8.) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire westerly side property line and the entire southerly rear lot line;
 - (9.) That notwithstanding Section 18A.1(f) manoeuvring space having an aisle width of not less than 5.3 m shall be provided and maintained for the easterly parking area.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1225, and that the subject lands on Zoning District Map E-5 be notated S-1225;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "High Density Apartments" to "Commercial and Apartments".

(b) That By-law 89-83 be repealed in its entirety.

Note: The purpose of this By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations for property municipally known as 126, 128, and 132 Young Street, shown as Blocks "1" and "2".

The effect of the By-law is to permit a one storey addition to the rear of the existing medical office building at 132 Young Street (Block "2"). The existing dwellings located at 126 and 128 Young Street (Block "1") are to be demolished to permit the building addition.

In addition, the By-law provides for the following variances as special requirements:

- (a) To restrict the use of the building to medical offices on the first floor, 3 dwelling units on the second floor, storage, utilities/maintenance in the basement/cellar, and to permit a maximum gross floor area of 690m²;

- (b) To permit one ground sign, wall sign, or projecting sign of an area of not more than 0.4 m² (4.31 sq.ft.), non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5 metres (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district;
- (c) A minimum landscaped area of 20% of the area of the lot shall be provided and maintained, whereas 40% is required;
- (d) A minimum of 18 parking spaces and 1 - 9.0 m x 3.7 m x 4.3 m loading space shall be provided and maintained on-site, whereas 14 parking spaces are required;
- (e) A minimum 0.8 m wide landscaped planting strip shall be provided and maintained along the westerly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district;
- (f) A minimum 2.5 m wide landscaped planting strip, excluding a driveway access, shall be provided and maintained along the front lot line of the westerly parking area (Block "1");
- (g) No landscaped planting strip is to be provided along the easterly side lot line, whereas a minimum 1.5 m wide landscaped planting strip is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (h) No 1.2 m to 2.0 m high visual barrier is to be provided and maintained along the easterly side lot line, whereas a visual barrier is required along the boundary of the parking area adjoining a residential district (previously approved By-law variance);
- (i) To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the entire westerly side property line and the entire southerly rear property line;
- (j) The easterly access driveway will abut the adjoining residential district boundary, whereas a minimum setback of 3.0 m is required (previously approved By-law variance);
- (k) The required manoeuvring space for the easterly parking lot shall be a minimum of 5.3 m in width, whereas a minimum of 6.0 m is required (previously approved By-law variance).

There being no future business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, ACTING CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 April 3

CITY OF HAMILTON

B.

- RECOMMENDATION -

DATE: 15 April 1991

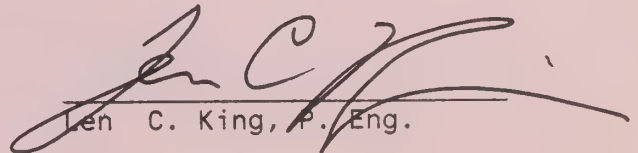
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
101 Leland Avenue - Tag Number 82149

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 101 Leland Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C/S-720" (Urban protected residential) Modified

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: 1½ storey wood frame converted garage in poor condition.

This property contains two dwellings on the lot. It is the intention of the owner to demolish the converted garage at the rear of property so as to allow the erection of a single family dwelling on remaining lands. The property is composed of 2½ lots of record. An existing single family dwelling on the property has been relocated to allow the sale of one lot in the parcel.
Lot size 70.00' X 100.00'

The owner of the property as per the demolition permit application is:

Mark Cole
127 Jackson Street West
HAMILTON, Ontario
L8P 1L6

Telephone: 527-8841

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 15 April 1991

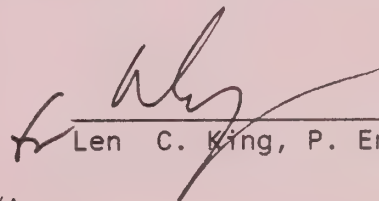
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
11 Rosewood Drive - Tag Number 82025

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 11 Rosewood Drive.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame aluminum sided dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and erect a new single family dwelling. Lot size 35.00' X 90.33'.

The owner of the property as per the demolition permit application is:

Bridiga Paiano
35 Colcrest Street
HAMILTON, Ontario
L8E 3X9

Telephone: 560-2008

CITY OF HAMILTON

D.

— RECOMMENDATION —

DATE: 15 April 1991

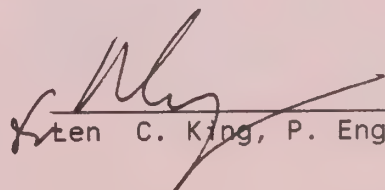
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
762 Ninth Avenue - Tag Number 82088

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 762 Ninth Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame aluminum sided dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and replace with a new single family dwelling. Lot size 30.00' X 100.00'

The owner of the property as per the demolition permit application is:

J. Dillon
344 Millen Road
STONEY CREEK, Ontario
L8E 2H2 Telephone: 662-3604

CITY OF HAMILTON

E.

- RECOMMENDATION -

DATE: 15 April 1991

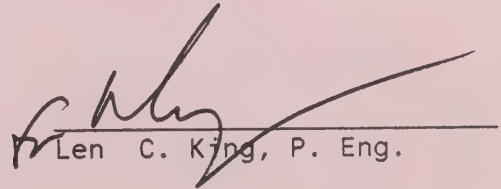
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
126 Young Street - Tag Number 82093

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 126 Young Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E-3" (High density multiple dwellings)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Addition and parking to existing medical building at 132 Young Street.

BRIEF One storey wood frame sided dwelling in good condition.

DESCRIPTION:

It is the intention of the owner to demolish the existing single family dwelling together with 128 Young Street to allow for an addition and parking for the existing medical building at 132 Young Street. The owner has received approval from the Planning and Development Committee on April 3, 1991 and adopted by City Council on April 9, 1991 to modify the present "E-3" zoning to allow the proposed addition to 132 Young Street. Please note that the property is of interest to L.A.C.A.C. and they have notified this department that they have no objections to the demolition. Lot size 31.00' X 132.00'.

The owner of the property as per the demolition permit application is:

Frank Murphy
132 Young Street, HAMILTON L8N 1V6

Telephone: 524-2048

CITY OF HAMILTON

F.

- RECOMMENDATION -

DATE: 15 April 1991

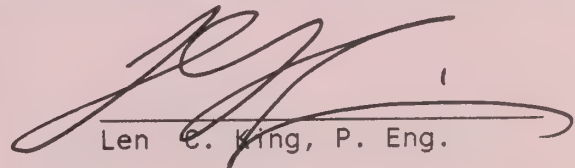
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
128 Young Street - Tag Number 83083

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 128 Young Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E-3" (High density multiple dwellings)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Addition and parking to existing medical building at 132 Young Street.

BRIEF DESCRIPTION: 1½ storey wood frame wood sided dwelling in fair to poor condition.

It is the intention of the owner to demolish the existing single family dwelling together with 126 Young Street to allow for an addition and parking for the existing medical building at 132 Young Street. The owner has received approval from the Planning and Development Committee on April 3, 1991 and adopted by City Council on April 9, 1991 to modify the present "E-3" zoning to allow the proposed addition to 132 Young Street. Please note that the property is of interest to L.A.C.A.C. and they have notified this department that they have no objections to the demolition. Lot size 15.83' X 130.16'.

The owner of the property as per the demolition permit application is:

Frank Murphy
132 Young Street, HAMILTON L8N 1V6

Telephone: 524-2048

CITY OF HAMILTON

- RECOMMENDATION -

G.

DATE: 15 April 1991


REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1606 Upper Gage Avenue - Tag Number 82138

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1606 Upper Gage Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20/S-1184 (Townhouse-Maisonette) Modified

PRESENT USE: Single Family Dwelling

PROPOSED USE: 32 unit townhouse development

BRIEF DESCRIPTION: 1½ storey wood frame aluminum sided dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a 32 unit townhouse development. The owner has made an application for a Development Agreement for the proposed development (DA-90-88). Lot size 70.01' X 272.90'.

The owner of the property as per the demolition permit application is:

Peter Serrani
Roman Lewchuk
Rob McDowell
1119 Fennell Avenue East
HAMILTON, Ontario
L8T 1S2

Telephone 574-6433

CITY OF HAMILTON

H.

- RECOMMENDATION -

DATE: 15 April 1991

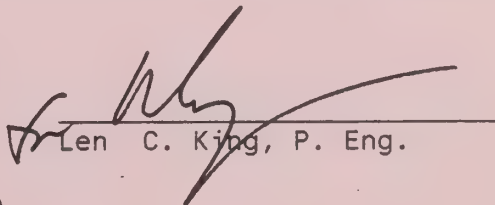
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1610 Upper Gage Avenue - Tag Number 82139

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1610 Upper Gage Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20" Townhouse-Maisonette

PRESENT USE: Single Family Dwelling

PROPOSED USE: 32 unit townhouse development

BRIEF DESCRIPTION: 1 storey wood frame insulbrick sided dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a 32 unit townhouse development. The owner has made an application for a Development Agreement for the proposed development (DA-90-88). Lot size 52.97' X 299.90'.

The owner of the property as per the demolition permit application is:

Hilliard Harnden
1610 Upper Gage Avenue
HAMILTON, Ontario
L8W 1E7

Telephone: 385-4292

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 15 April 1991

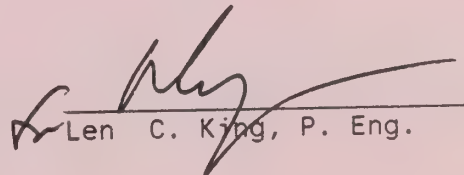
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1614 Upper Gage Avenue - Tag Number 82140

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1614 Upper Gage Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20" Townhouse-Maisonette

PRESENT USE: Single Family Dwelling

PROPOSED USE: 32 unit townhouse development

BRIEF DESCRIPTION: 1 storey wood frame vinyl sided dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a 32 unit townhouse development. The owner has made an application for a Development Agreement for the proposed development (DA-90-88). Lot size 52.83' X 299.90'.

The owner of the property as per the demolition permit application is:

Hilliard Harnden
1610 Upper Gage Avenue
HAMILTON, Ontario
L8W 1E7

Telephone: 385-4292

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 15 April 1991


REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1620 Upper Gage Avenue - Tag Number 82137

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1620 Upper Gage Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "RT-20" Townhouse-Maisonette

PRESENT USE: Single Family Dwelling

PROPOSED USE: 32 unit townhouse development

BRIEF DESCRIPTION: 1 storey wood frame aluminum sided dwelling in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a 32 unit townhouse development. The owner has made an application for a Development Agreement for the proposed development (DA-90-88). Lot size 89.35' X 299.90'.

The owner of the property as per the demolition permit application is:

Hilliard Harnden
1610 Upper Gage Avenue
HAMILTON, Ontario
L8W 1E7

Telephone: 385-4292

CITY OF HAMILTON

-RECOMMENDATION-

DATE: 1991 April 17

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing


SUBJECT: FINAL LOT GRADING AND SODDING, VARIOUS
SUBDIVISIONS DURING 1991

RECOMMENDATION:

- a) That a purchase order be issued to Brantford Landscaping and Sodding Ltd., Paris, being the lowest acceptable of fourteen (14) quotations received to provide Final Lot Grading and Sodding at various subdivisions as and when required during 1991, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, as follows:

| | |
|---|-----------------|
| Final Grading-Supply and place 100mm topsoil-remove debris | \$ 250 sq.metre |
| Supply and Place sod including 100mm topsoil | 5.10 " |
| Supply and Place 100mm topsoil | 2.15 " |
| Supply and Construct 150 x 150 Pressure Treated Retaining Walls | 150.00 " |
| Supply and Construct Precast Retaining Walls | 265.00 " |
| Supply and Construct Chainlink Fencing | 33.00 " |
| Supply and Place Granular 'A' | 9.85 tonne |
| Supervision | 24.00 hour |
| Labour | 22.00 " |
| Equipment Operators | 24.00 " |
| Surveyors 3 Men Crew | 210.00 " |
| GST extra at 7% | |

- b) That this expenditure be financed from the Subdivision Guarantee Deposits Account PR52 70090.



T. Bradley, Manager of Purchasing

REPORT TO: Planning and Development Committee

SUBJECT: FINAL LOT GRADING AND SODDING, VARIOUS
SUBDIVISIONS DURING 1991

Page 2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND: Quotation Analysis based on an anticipated project

| | |
|---|-------------------------|
| Bud 's Contracting, Stoney Creek | \$ 6 275 * Unacceptable |
| Brantford Landscaping & Sodding Ltd., Paris | 6 523 |
| Wm. Groves Limited, Hamilton | 8 709 |
| O.Ciccarelli & Son Contracting, Ancaster | 8 820 |
| Napoli Outdoor Service, Hamilton | 8 830 |
| All Around Contracting Inc., Hamilton | 8 870 |
| Catalina Excavating Inc., Vinemount | 8 918 |
| Pineland Landscape Contractors, Hamilton | 9 281 |
| Advance Excavating, Hamilton | 11 595 |
| Gotfryd Contracting Ltd., Burlington | 12 761 |
| Cardeen Construction Limited, Stoney Creek | 13 648 |
| Cardi Construction Limited, Stoney Creek | 17 882 |
| Bono General Construction, Hannon | 21 781 |
| Marta Paving Company, Hamilton | 35 273 |

GST extra at 7%

L.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 18

REPORT TO: Susan K. Reeder
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development


SUBJECT: Proposal to remove part-lot control from Lots 1 to 19,
inclusive. R.P.L.C. No. 70.

RECOMMENDATION:

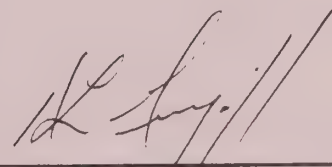
- (1) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 19, inclusive, Registered Plan No. 62M-681, located to the north of Independence Drive and front onto the extension of Rutledge Court in the Templemead Neighbourhood, City of Hamilton, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

- (2) That the by-law not be forwarded to Council for approval until such time as all additional City and Regional requirements resulting from the additional lots have been satisfied, including required approvals of necessary changes to the Subdivision Agreements as outlined in the comments of the Department of Engineering.
- (3) That the Region be requested to approve the by-law removing part-lot control once passed by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A. L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Robert Shelley Construction Limited, Hamilton, Ontario.

Surveyor: A. J. Clarke and Associates, Hamilton, Ontario.

Location:

The lands are located to the north of Independence Drive and front onto the extension of Rutledge Court in the Templemead Neighbourhood, City of Hamilton.

Proposal:

The applicant proposes to redivide the 19 registered lots to form 23 parcels to be developed as small lots for single-family dwellings on the "zero-lot line" concept.

A proposed reference plan has been submitted which shows the parcels to be created referred to as parts for the future lots and separate parts for the required maintenance easements abutting the location of the future dwellings. Due to an existing Bell Telephone Easement across the rear of several parcels, the plan also shows separate parts where the future lots are affected by this easement.

History:

The draft plan of subdivision which established the lots was initially approved in October, 1988, and was revised in April, 1989, to show 22 lots surrounding the cul-de-sac extension of Rutledge Court. The final plan for registration reduced the number of lots surrounding the cul-de-sac to 19 and the plan was registered on March 15, 1991.

Subsequently, application to remove part lot control from the 19 lots was made on March 20, 1991.

Comments from Circulation:

The following have advised that they have no comment or objection toward the proposal:

- City Building Department
- City Traffic Department
- Neighbourhood Planning

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

"Our office has the following comments regarding the above-noted application for Lots 1 - 19 of Registered Plan 62M-681. In respect to the Regional requirements, we have the following comments:

- (1) That the owner agrees to voluntarily pay in cash the additional development charges for four building lots at the current rate in effect per lot before the by-law is approved; and,

- (2) That the owner acknowledges that private drain and private water service connections for the Regional Subdivision Agreement may have to be amended before the by-law is approved unless separate permits are issued.

In respect to the City requirements, we have the following requirements:

- (1) That an amending grading plan be approved in accordance with present rules prior to the by-law being approved; and,
- (2) That the Planning and Development Committee at the by-law stage recommend to Council that an amendment to the existing subdivision agreement be authorized, said amendment to require registration of maintenance easements".

Comments:

- (1) No objection has been received with regard to the proposal. However, as is noted in the Department of Engineering comments, there will be additional requirements in regard to development charges and amendments to the recently prepared subdivision agreements resulting from the addition of four (4) units into this development.
- (2) As a guide to the future lotting surrounding the cul-de-sac extension of Rutledge Crescent, it will be necessary for the owner to register the reference plan showing the new parcels. In this regard, it is noted that the parts intended as the required maintenance easements do not in all instances extend to a point 7.5 m from the rear lot line. This should be corrected before the reference plan is completed and registered, as it will probably become an additional schedule to the City Subdivision Agreement.
- (3) All the above-mentioned requirements and any changes to existing documents should be completed before a by-law to remove part-lot control from the lots is approved by Council.

CMD/II
Reports

A:RPLC70

PLAN OF SURVEY OF
LOTS 1 TO 19 (INCLUSIVE) - TEMPLEHEAD No. 2 SURVEY, PHASE 8
REGISTERED PLAN 62M-

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-MENTWORTH
SCALE 1:300

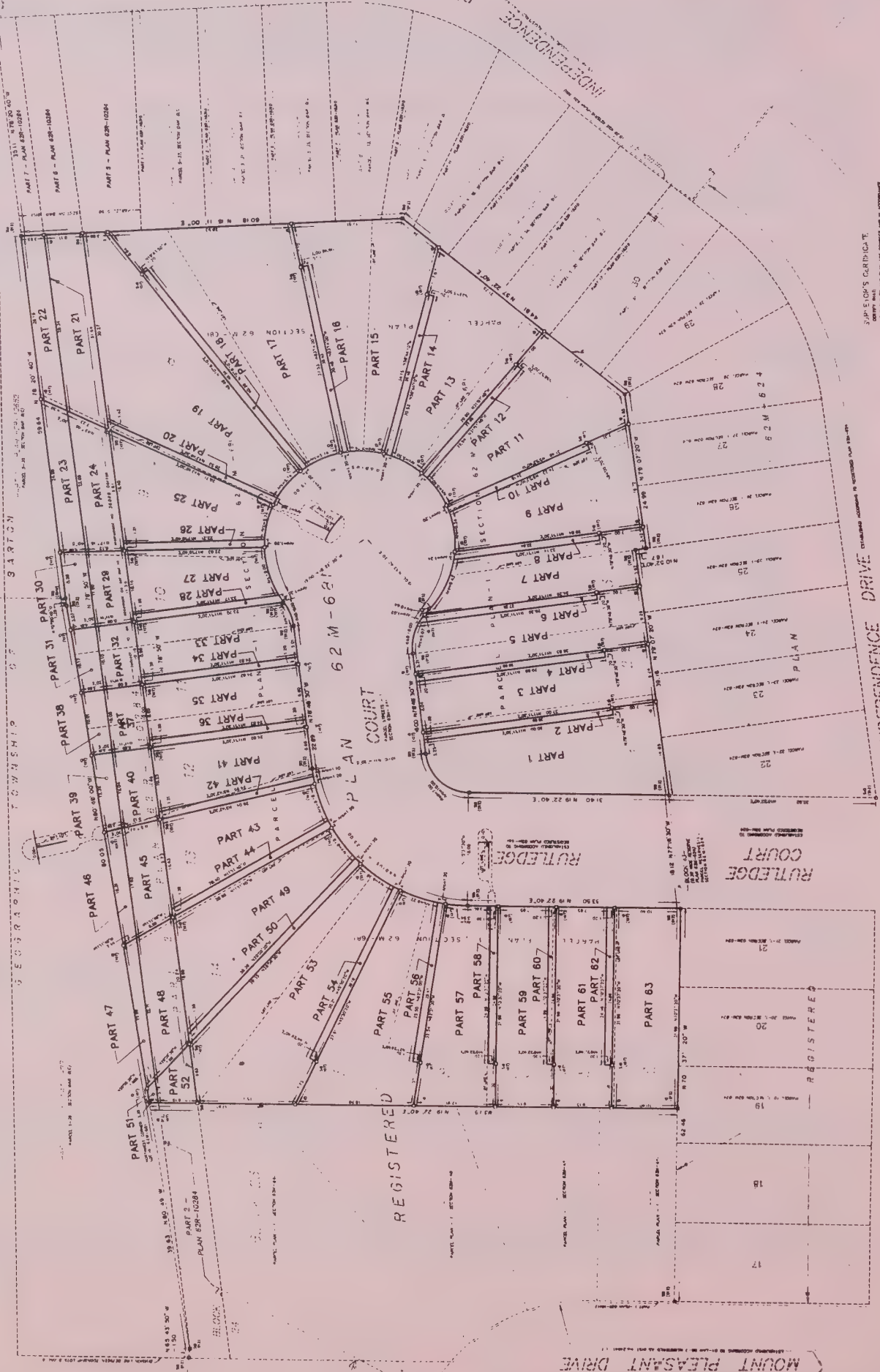
B. J. CLARKE O.L.S.
1991

CONCESSION 8

GARTON

GEORGIAN

LOT 5



PLAN 62R-1

LEGEND

CAUTION: THIS PLAN OF SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

METRIC

PLAN 62R-1

25T-85019

PLAN OF:
Templemead No. 2
 phase eight

PLAN OF:

PLAN 62M- 621-

[illegible]

161
DO NOT SIGN
UNLESS YOU HAVE
THE AUTHORITY OF THE
COMMISSIONER OF
THE DEPARTMENT OF
SOCIAL SERVICES
AND THE ATTORNEY
GENERAL

P. mch.

[illegible]

**PART OF LOT 5 - CONCESSION &
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WAINWORTH**

SCALE 1 : 500

Curveyon's Certificates:

DEPT. 1047.
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT AND THE LAND TILES ACT AND THE REGULATIONS
MADE THEREUNDER.
THE SURVEY WAS COMPLETED ON THE 1ST DAY OF JANUARY
1920
W. J. Schuler
a Licensed Ontario Land Surveyor
Date

number of "signs" = 24:32 = 3

Woman's Contifiosle;

The DOW STREET is hereby designated as a public highway to the CORPORATION OF THE CITY OF WASHINGTON

DATED THIS 18th DAY OF FEBRUARY 1937

000 800

1. How do you feel about the way the company is doing?

Legend:

☐ DENOTES A SURVEY RESPONSE UNLIMITED
☒ DENOTES A SURVEY RESPONSE LIMITED
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☐ OR DENOTES any other base
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REMARKS: THE AIRCRAFT WAS OBSERVED TO BE
LASTING LESS OF THE LOSS OF THE AIRCRAFT.

A. J. Clarke and Associates Ltd.
SOUTHERN CROSS BUILDINGS CO. 2001 BUCKINGHAM BUILDINGS



CITY COUNCIL
HAMILTON, CANADA

Alderman Mary Kiss

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 525-5932 -

21 March 1991

1.

Mr. A. Georgieff
Director of Local Planning

1991 03 21

Dear Mr. Georgieff:

I am officially requesting a Neighbourhood Plan Review as soon as possible on behalf of the residents of the Kirkendall Neighbourhoods as requested by them at a recent public meeting.

This part of my ward includes the former Lapp property and also the former Mr. Grocer site at Dundurn and Aberdeen. In addition, the former Westinghouse properties on Aberdeen may be vacant in the future.

Residents advise me they are concerned about quality of life issues relating to their neighbourhoods and they wish to be fully involved in the planning process.

As an Alderman for the Ward speaking on behalf of my constituents, I agree with their request for a "halt" on development of sites until a Neighbourhood Plan process is undertaken. Please advise me of a timetable and I would also request the matter be placed on the next agenda of the Planning & Development Committee.

I am enclosing a copy of a letter dated March 11, 1991 from the Neighbourhood Association.

Yours sincerely,

Mary Kiss
Alderman, Ward 1

MK:sn

Attch.

c.c. Chairman & Members, Planning & Development Committee
Mr. J. D. Thoms, Planning Commissioner
Mr. D. Godley, Planning Department
Mrs. Wendy Crouse, Kirkendall Neighbourhood Association
✓ Mrs. Susan Reeder, Secretary, Planning & Development Committee

March 11, 1991

Alderman Mary Kiss
c/o Aldermen's Offices
City Hall, Hamilton

Dear Alderman Kiss:

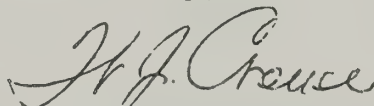
Thank you for circulating copies of the letter from Mr. Georgieff dated February 18, 1991. Although we are pleased to have initiated some action, there are several concerns which we wish to address.

As you are aware, I have formally requested, on behalf of the Kirkendall Neighbourhood Association, a Neighbourhood Plan Review. We would expect this to follow the guidelines set out in the booklet "Neighbourhood Planning in Developed Areas"; that is, a full-scale questionnaire survey and citizens' committee: "With this two fold approach, we develop a two fold result, firstly, a plan designating the proposed future land uses and secondly, a programme or action plan to alleviate immediate problems with desirable short range improvements."

We take this as our primary objective. In the absence of a current, comprehensive Neighbourhood Plan, we are opposed to any further development in our community. We would be pleased to participate fully in an effort to develop a plan for our neighbourhood. Unfortunately, we do not think any of the options offered by Mr. Georgieff are working towards this end.

We thank you for your on-going support of our efforts in this, and many other, areas.

Yours truly,



W.J. Crouse, Steering Committee
Kirkendall Neighbourhood Association

c.c.A.L. Georgieff
J.D. Thoms
Alderman Cooke
Alderman Lombardo
members, Planning & Development Committee

CITY OF HAMILTON

- RECOMMENDATION -

1(a.)

DATE: 1991 April 18
(P6-8-3)
(P5-2-25)
(P5-2-92)
(P5-2-93)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

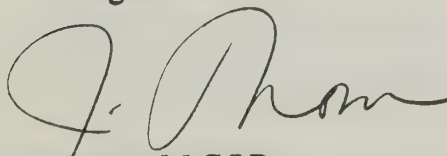
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

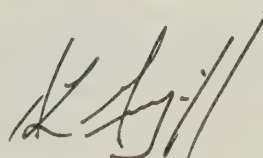
Neighbourhood Plan Review (Kirkendall North and South, Chedoke Neighbourhood)

RECOMMENDATION:

- 1) That the Planning and Development Committee direct staff to undertake a "Modified Neighbourhood Plan Review Process" for specific sites in the Chedoke, Kirdendall North Neighbourhoods which have redevelopment potential including the Lapp property, CP Rail lands, Camco and Mr. Grocer site, by establishing a working committee of approximately 12 people with representatives from the Neighbourhood, the Golf Club, the owners of the Lapp property, Mr. Grocer, and Camco, C.P. Rail, Board of Education, and assistance by staff from various Departments and agencies (Traffic, Engineering, and Niagara Escarpment Commission, etc.), to deal with various issues as they relate to land use, traffic, school capacity as a result of the potential redevelopment;
- 2) That a complete neighbourhood review for the Kirkendall North and South and Chedoke Neighbourhoods be included for consideration in the 1992 Work Programme.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Development of former Lapp Insulator Site

On December 5, 1990, the Planning and Development Committee tabled the application for an Official Plan Amendment for the above noted lands. The intent of the proposal is to permit redevelopment of the site for 117 townhouses and 2, 4 storey apartment buildings (200 units). The application was tabled to allow for Neighbourhood Meetings with area residents, alderman and staff.

On February 11, 1991, a neighbourhood meeting was held to discuss the various issues including traffic impacts, land use, school capacities, etc.

It should be noted that the Region of Hamilton - Wentworth has received a formal request from the applicant to refer the proposal to the OMB.

- Neighbourhood Plan Review/Development Freeze

As a result of the neighbourhood meeting, a formal request to conduct a full Neighbourhood Plan review for the Chedoke, Kirkendall North and South Neighbourhoods was requested by the Aldermen of the Ward (see attached). In addition, a request to freeze development until such time as the neighbourhood Plan review has been completed, specifically on the Lapp Property, Camco, CP Rail lands and Mr. Grocer site on Dundurn Street.

At the present time, there are approved Plans for the Kirkendall South and North neighbourhoods, which were adopted in 1975.

ANALYSIS:

- Neighbourhood Plan Review

A full Neighbourhood Plan review would take approximately 12 to 18 months of elapsed time to complete. At the present time, there are 6 Neighbourhood Plans (Allison, Beach, Carpenter, Durand Implementation, Falkirk West and Sheldon/Mewburn West) under preparation of which 4 are required before development can proceed and 2 additional neighbourhoods (Mountview and East Mountain) which are being updated. In 1991, work is also to begin on the Central Neighbourhood Plan Review.

It should be noted that there are pressures for many other neighbourhood plan reviews for example, requests for Neighbourhood Plan reviews already have been recieved for Ainslie Wood East, Bartonville, Beasley, Delta East and West, McQueston, North End, St. Clair/Blakely and Westdale Neighbourhoods.

Given the number of on-going projects and existing Work Program priorities, hiring of additional staff at the Planner II level for the 12 month lapse time period would be required to undertake full review of the 3 neighbourhoods in question.

An option would be for the Planning and Development Committee to change the existing priorities for Neighbourhood Plans and direct the Department to undertake a full Neighbourhood Plan Review for the affected neighbourhood.

An alternative to the full Neighbourhood Plan review is to undertake a modified Neighbourhood Plan review with the support of a working committee of approximately 12 representatives including staff as resource people. Each meeting of the group could deal with specific issues (i.e. traffic, land use, school capacity, etc.) which have arisen in these neighbourhoods as a result of the Lapp development proposal and other potential redevelopments. In addition, this would allow the developers, specifically for the Lapp property, to more easily respond to local concerns.

This modified process could be undertaken now, with the intent for a full Neighbourhood Plan review for the remainder to be undertaken in 1992, if included in the 1992 Work Programme.

• Development Freeze

It has been suggested that a development freeze occur until a Neighbourhood Plan Review is completed. Section 37 of the Planning Act allows the municipality to establish an Interim Control By-law which would effectively freeze development in a specified area for up to one year, until such time as a land use study has been completed.

However, it must be noted that Council must direct a land use study be undertaken prior to the passing of an Interim Control By-law. Furthermore, if the municipality passes an Interim Control By-law which has an adverse effect on the landowner, the City must have sound planning reasons for the study.

Should the Planning and Development Committee direct staff to undertake a modified Neighbourhood Plan Review, the lands subject to the study need not be placed under Interim Control. The area is relatively stable with only a few

potential sites available for redevelopment in the immediate future: the Lapp site, which is currently under consideration by the Planning & Development Committee; and the Mr. Grocer site on Dundurn Street. The Camco and CP Rail lands would be redeveloped over a longer period. It should also be noted that the owners of these sites in question can appeal the interim control By-law to the O.M.B.

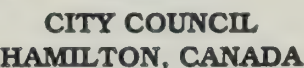
CONCLUSION:

At this time, a full neighbourhood review of the Kirkendall North and South and Chedoke Neighbourhoods is not possible without the hiring of additional staff or changes in project priorities.

Alternatively, a modified neighbourhood review is suggested which could address issues associated with the development of the Lapp property, along with potential redevelopment of Camco lands, CP Rail lands and the Mr. Grocer site on Dundurn. As this review could be undertaken in approximately 4 to 6 months of elapsed time, specific issues surrounding these developments could be addressed prior to any development approval, without the need for a formal interim control by-law.

JHE/BJ:dkp

A:\LAPP-REP.



71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 521-1087 - WARD 1

2 April 1991

Mr. A.L. Georgieff
Director of Local Planning

Re: Lapp Property

I am writing in response to your request for direction on how to proceed with respect to the Official Plan Amendment application for the Lapp property at Beddoe Drive and Studholme Road.

As you are aware this application has been the subject of numerous neighbourhood meetings and one hearing before the Planning and Development Committee. We have been unable to find a resolution that is acceptable to both neighbourhood residents and the developer. I remain opposed to the present application on the basis of reasons set out in my memo to Joanne Hickey-Evans of 22 November 1990 (density, traffic, etc.).

In carefully examining the history of this matter, it occurs to me that the neighbourhoods in question (Kirkendall North and South and Chedoke) have not been particularly well served by the planning process. Due to the mature character of these neighbourhoods they have been largely overlooked in the neighbourhood planning process. In fact, the Lapp property itself is one of the few areas in the City which has never been the subject of a neighbourhood plan review. As a result, the municipality's response to the application in question and I suspect to future significant applications (Mr. Grocer, Camco, CP Rails lands), has been and will be, fundamentally reactive in nature. I believe that given the potential changing nature of some of these sizeable tracts of land that it is essential that we halt development until a comprehensive planning review occurs.

You are presently in receipt of a request from the Kirkendall Neighbourhood Association for a Neighbourhood Plan Review. I am in concurrence with this request. In discussing with the Neighbourhood Association the resources required for such a review, we are suggesting limiting its geographic scope to the following area: the Chedoke lands including the Lapp property, the Camco property, and the section of Kirkendall North bounded by Chatham Avenue on the north, Aberdeen Avenue on the South, Dundurn Street on the East and the CP rail line on the west. Ultimately, the Neighbourhood Association is requesting

APR 10 1964

ST4 • (416) 546-2730 • RES. (416)

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Alderman Terry Cooke
Chairman - Engineering Services

Letter to A.L. Georgieff
April 02, 1991

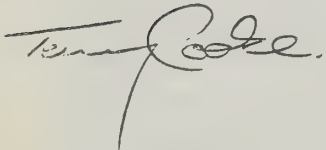
Page 2

that we subsequently proceed to undertake a neighbourhood plan review for the balance of the Kirkendall North and South neighbourhoods.

I believe that such a review can be completed within a six to nine month time frame. During this time, I am recommending that a planning freeze be placed on the subject lands pending the results of the Neighbourhood Plan Review. I would remind the Department that such a freeze is not without precedent. Witness the action of the Planning and Development Committee with respect to the Eleanor Neighbourhood in 1988.

I would be pleased to discuss the above recommendations with you at your convenience.

Yours very truly,



Terry Cooke
Alderman, Ward 1

TC:ck



CITY COUNCIL
HAMILTON, CANADA

Alderman Tom Jackson

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 383-3470
15 March 1991.

2.

Mrs. Susan Reeder,
Secretary,
Planning & Development Committee,
c/o City Clerk's Department.

MAR 18 1991

Dear Susan:

I am writing to you pertaining to the matter regarding the Berrisfield Gardens Addition which has taken place in my ward.

There are two points of disagreement between the original developers, namely, Mr. Bob Jugovic and Mr. Tony Faiella versus our Regional Engineering Department, namely, Mr. Konrad Brenner.

Sufficed to say, the dispute could not be resolved internally and having spoken today with Alderman Fred Lombardo, Chairman of the Planning and Development Committee, I am requesting that his matter be placed on the agenda of the Planning & Development Committee meeting for Wednesday, April 24, 1991, as a delegation.

Mr. Brenner has advised me that this is the Committee which would deal with this issue.

Thank you for your cooperation and assistance ahead of time, and if you require any further information, please do not hesitate to contact me.

Sincerely yours,

Tom Jackson,
Alderman, Ward 6.

TJ:dp

cc: Alderman Fred Lombardo, Chairman, Planning & Developing Committee.
Alderman Dominic Agostino.
Mr. Konrad Brenner, Manager of Environmental Planning, Engineering Department.
Mr. Bob Jugovic & Mr. Tony Faiella, c/o A. & B. Construction,
47 Ottawa Street North, Hamilton. L8H 3Y8.

2a

FOR INFORMATION

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L.D. Turvey, P.Eng.
Commissioner of Transportation and
Environmental Services

APR 4 1991

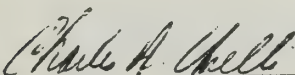
DATE: March 20, 1991
DEPT FILE: S702-36
COMM FILE:

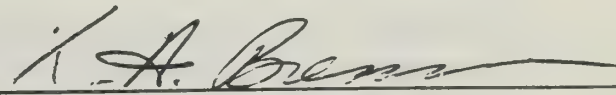
SUBJECT:

Berrisfield Gardens Addition, Lot Grading

RECOMMENDATION:

That this report be received by the Planning and Development Committee for information.


Prepared by:
C.A. Unelli
Development Coordinator (Environmental)


Approved for Submission by:
K.A. Brenner, P.Eng.
Manager, Environmental Planning

BACKGROUND:

The following information is provided in response to a request from the Secretary of the Planning and Development Committee to consider the grading as completed by the City of Hamilton for Lots 7 and 8 in Berrisfield Gardens Addition.

1. The Subdivider for Berrisfield Gardens Addition is known as 668539 Ontario Ltd.
2. The plan of subdivision and the City Subdivision Agreement were registered on April 29, 1987 and May 4, 1987 respectively.
3. The final grading completion date was established to be October 30, 1988.
4. Since the final grading had not been completed by October 30, 1988, the Subdivider was notified by registered mail on March 2, 1989 that he was in violation of Section VIII of the City Subdivision Agreement.
5. The City Solicitor's Office was notified on June 8, 1989 that the subdivider had not completed the lot grading nor submitted the required lot grading certificates. We advised their Department to pursue the legal avenues available to compel the Subdivider to complete the grading.

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

6. Grading certificates were received and accepted for Lots 2, 3, 4, 5, 9, 10, 11 and 14 on November 7, 1989. Therefore, the certificates for Lots 1, 6, 7, 8, 12 and 13 remained outstanding.
7. In May of 1990 our Department received a complaint from Mr. J. McGowen, the owner of Lot 8. He advised staff that the Subdivider was adding a considerable amount of fill in their backyard and also to Lot 7.
8. Our staff inspected the site on May 26, 1990 and found both Lots 7 and 8 to be considerably higher than was required on the approved grading plan. It was further noted that the retaining wall which was proposed on the approved grading plan had been replaced with a slope along the south property line. This was clearly contrary to the approved grading plan requirements and had not been approved by our Department.
9. On July 17, 1990 we received a complaint from the owner of the adjacent townhouse development, Mountmuir Housing Co-operative, with respect to the retaining wall which had not yet been constructed by the subdivider of the subject lands. Their concern was that erosion at the bottom of the slope may undermine their fence causing it to collapse.
10. A further complaint was received from Mr. J. McGowen on July 19, 1990. The subdivider was still filling their property. (at least 6 dump truck loads on that day)
11. On July 27 1990, we advised the Subdivider, by registered mail, that the grading including the construction of the required retaining wall was to be completed no later than August 13, 1990 or the City would complete the work and draw all applicable costs from his security deposit. Concurrently, in order to save time, we obtained quotations for the work required to be completed in the event the City had to finish the work.
12. We received estimates ranging from approximately \$8,200.00 to \$15,000.00. Since the Subdivider had not completed the grading including the construction of the retaining wall prior to the August 13, 1990 deadline, we awarded the work to the low bidder, Bud's Contracting. Their estimate was in the amount of \$8,194.52.
13. The owners of both Lots 7 and 8 were advised that the contractor would likely be on site on August 27, 1990 to begin the work.
14. The Subdivider's Consulting Engineer advised us on August 30, 1990 that he could likely issue grading certificates for Lots 7 and 8 by September 14, 1990 with or without the retaining wall upon approval of the owners of Lots 7 and 8.

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

- Mr. C. Unelli of our Department contacted both the owners of Lots 7 and 8 and they refused to accept anything other than the retaining wall which they had every right to ask for since the retaining wall was a requirement of the approved grading plan.
15. When the contractor's surveyor set the grade stakes, it was determined that the homes on both Lots 7 and 8 had been constructed up to 0.70m higher than indicated on the approved grading plan. The ground elevation had also been raised substantially. Therefore, we could no longer grade to the elevations on the approved grading plan and we asked the surveyor to provide us with additional information from which we could establish new grades.
 16. In light of the situation, we obtained written permission from the owner of Lot 9 to allow us to regrade a portion of his property, along the property lines, in order to allow us to achieve adequate drainage on Lot 8.
 17. On September 10, 1990, we received and accepted grading certificates for Lots 1, 6, 12 and 13.
 18. The additional charges incurred of approximately \$4,652.00 were due to the additional length in the retaining wall which was required, additional surveying, grading, excavation, removal of excess material, labour, equipment rentals etc. since it was determined, once on site, that the builder constructed the homes on Lots 7 and 8 higher than indicated on the approved grading plan. Therefore, the grades on the approved grading plan could not be achieved and we had to work with what was existing.
 19. On October 2, 1990 staff inspected the lots and found the grading and retaining wall construction to be satisfactory. A letter was sent to the Subdivider on October 2, 1990 advising him that he would be relieved of his obligations with respect to the lot grading provided the invoice which would be issued by the City was paid in full.

In conclusion, this grading matter was dealt with in accordance with City Policies and Practices and is now in the hands of the City Solicitor and the City Treasury Department to collect payment.

The Subdivider was given approximately 2 1/2 years from the date the subdivision was registered, to the time the City completed the grading in accordance with Section VIII of the City Agreement, with several notices being issued. The Subdivider knew the City was going to complete the work and in fact didn't begin work until August 27, 1990 which was two weeks after our deadline of August 13, 1990.

-Page 4-
March 21, 1991

Grading for Lots 7 and 8, "Berrisfield Gardens Addition", Hamilton

cont'd...

We have not done anything more with this Subdivider than we have with any others. The City has also enforced and/or is enforcing Section VIII of the City Agreement within other developments. i.e. DiCenzo Gardens - Phase 2, Roma Gardens - Phase 1, Greenhill Gardens - Phase 1, Trenholme Survey and Novoco Gardens.

CAU:alv

cc: Alderman T. Jackson
cc: Alderman D. Agostino
cc: Ms. P. Noe Johnson, Law Department
cc: Mr. E. Matthews, City Treasury Department.



CITY COUNCIL
HAMILTON, CANADA

3.
Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 - WARD 3

1990 April 8

Chairman and Members of
Planning and Development Committee

COMMITTEE OF ADJUSTMENT

Current Situation

Currently the Committee of Adjustment is composed of a group on individuals, citizens and Aldermen who sit for a three year term to carry out the mandate of the Committee of Adjustment. Recently concern has been expressed by various citizens that the Committee is either too rigid or too loose in their interpretation of the mandate, that the Committee is either too consistent or inconsistent in their decision making and that members of the public would like a greater opportunity to sit on the Committee which handles minor variances which greatly effect individual neighbourhoods. In addition, concern has been raised that many members of the public are unable to attend the meetings due to their being held on Wednesday afternoons.

While many of the concerns raised about the Committee of Adjustment are contradictory and could equally apply to any committee of council or other quasi-judicial tribunal, I believe it is time to re-evaluate the structure of the Committee so that its composition adequately reflects the citizens of Hamilton and that its decision making will reflect the varied opinion of the community.

Over the past 10 years I have had extensive involvement with various quasi-judicial tribunals and decision making bodies and have identified various strengths and weaknesses. I am therefore suggesting that the Planning and Development Committee review the current structure and mandate of the Committee of Adjustment and recommend to the Finance and Administration Committee and City Council changes.

The following are 2 models which I would humbly suggest the Planning and Development Committee consider and that any changes to the Committee of Adjustment take place during the term of the new council.

Model 1

Maintain the same number of members of the Committee (seven) and the same ratio of citizens to politicians (five - two). However stagger the terms of office so that there is a continuing 1/3 turnover per year. Also, require that the Committee meet at least six times per year in the evening (6:00 p.m) thus allowing the citizens of Hamilton a greater opportunity to attend the hearings.

Further, that the Committee of Adjustment adopt loose definitions of the term "minor" which can be applied to various situations as a guideline. For example, if the Committee currently considers ten percent as an acceptable minor variation for lot size, separation, distance etc., then this can give the appellants and citizens in the community a rough idea of the chances of success.

Model 2

Expanded Committee Size

Appoint twenty-one citizens and all members of the Planning and Development Committee to the Committee of Adjustment. This would provide a pool of twenty-nine members (plus the Mayor) from which panels of the Committee of Adjustment can be formed, composed of seven members, two of whom must be politicians to hear applications on any given date.

The panels will rotate sitting dates so that no one panel of seven members will be scheduled for only day or evening hearings. The panels will be chosen randomly so that the mix of individuals will best represent the broad interest of the community and provide a varied body of experience upon which to draw.

Tenure

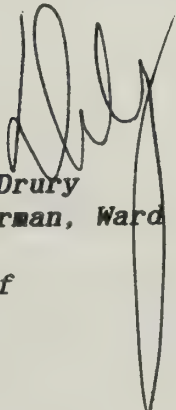
Of the twenty-one men and women selected, seven will be up for renewal each year on a rotating basis. Therefore, the original appointments will be seven for one year, seven for two years, and seven for three years. Appointments will be for three years henceforth. This will ensure an ongoing infusion of newer people and be able to reduce the quantity of workload for the persons currently on the Committee.

Decision Quality

Each panel must render decisions with reasons. One or two lines at the bottom of the decision is not acceptable in this day and age of open government. While the Committee should always reserve the right to deliberate in private the decision should be rendered either in open session or public rather than distributed to only interest persons. The reduction of the number of required sittings, due to the expansion of the Committee will allow the Committee members more time to prepare (i.e. visit the site, question staff in advance of the hearing) thus achieving a higher quality of decision.

SUMMARY

I believe it is imperative that the City of Hamilton revamp the Committee of Adjustment process in time for the next term of Council. Providing an open forum for citizens to argue the merits of applications and providing reasons will further the integrity of the Committee and result in a higher level of respect for the municipal decision making process.



Don Drury
Alderman, Ward 3

DD:jf

CITY OF HAMILTON
- INFORMATION -

3a.

DATE: 1991 April 18

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: Committee of Adjustment (91.2.4.3.2)

BACKGROUND:

The Committee of Adjustment for the City of Hamilton is a joint citizen and members of Council committee. The submission by Alderman Drury voices a number of issues respecting the operation and composition of the Committee. In response to this submission, the following information is provided:

1) **Committee Constitution**

Authority for the constitution of a Committee of Adjustment comes from the Planning Act, 1983

43.(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

2) **Term of Office**

The Planning Act, 1983 section 42.(3) regulates the term of office for members of the Committee of Adjustment:

42.(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.

3) **Quorum**

The Planning Act, 1983 sentence 42.(5) regulates a quorum for the Committee of Adjustment:

42.(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

4) *Committee Size - Number of Members*

There are no regulations in the Planning Act pertaining to the maximum number of members on a Committee of Adjustment. Sentence 43.(1) requires at least three members as a minimum.

With respect to membership, a poll was made of adjoining municipalities to determine committee size. The results are as follows:

| <u>Name of Committee</u> | <u>Number of Members</u> |
|--|--------------------------|
| Hamilton-Wentworth Regional
Land Division Committee | 8 |
| Stoney Creek | 3 |
| Toronto | 9 |
| London | 5 |
| Burlington | 3 |
| Brantford | 5 |
| Oakville | 5 |
| Mississauga | 7 |
| Hamilton | 7 |

Of a total of 186 committees surveyed, the average membership is 5.3 members per committee.

5) *Meeting Times*

The Planning Act, 1983 does not regulate the day or time for holding hearings. There is a set time limit for holding a hearing and it is as follows:

44.(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Committee of Adjustment started 3:00 p.m. meetings in March of 1989 in lieu of previous 6:00 p.m. meetings.

Only five verbal and three written complaints have been received by the Co-ordinator over the two years with respect to hearing time.

It should be noted that an equal or greater number of complaints were expressed over the evening meeting scheduled times, especially when applications had to be scheduled after 9:00 p.m..

An average meeting length is three hours.

6) *Decision Quality*

a) *Private Decisions*

The Planning Act, 1983 does require that all hearings of a Committee of Adjustment be held in public. Section 44.(6) states as follows:

44.(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

This section allows the Committee to "reserve its decision" and to make a decision in the privacy of the Committee.

b) *Notice of Decisions*

The Planning Act, 1983 has specific requirements for decision notification:

44.(10) The secretary-treasurer shall not later than ten days from the making of the decision send one copy of the decision, certified by him,

- (a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision.

together with a notice of the last day for appealing to the Municipal Board.

CITY OF HAMILTON

5.

- RECOMMENDATION -

DATE: 15 April 1991

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
24 Victoria Avenue North - Tag Number 82102

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 24 Victoria Avenue North.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E/S-529" (Multiple dwelling, lodges, clubs, etc.) Modified.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Multiple residential

BRIEF DESCRIPTION: 2½ storey brick dwelling. Exterior is moderately deteriorated. Interior has been vandalized. Building is vacant and open to trespass.

It is the intention of the owner to demolish the existing single family dwelling and propose a future multiple residential development. Please note that this property is of interest to L.A.C.A.C. L.A.C.A.C. has advised this Department of the following: "L.A.C.A.C. Research Sub-committee will review the demolition permit application for 24 Victoria Avenue North on April 17, 1991 and will have comments available to P. & D. Committee on April 24th, 1991."
Lot size 51.00' X 141.00'.

The owner of the property as per the demolition permit application is:

34 West Hamilton Inc.
7 West Avenue South
HAMILTON, Ontario
L8N 2R9

Attention: Saverio DeLuca

Telephone: 529-1116

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

DATE: April 17, 1991

TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: LACAC Research Subcommittee, Rob Brough, Chairman

SUBJECT: 24 Victoria Ave. North--Demolition Permit Application

RECOMMENDATION:

That no demolition permit be issued for 24 Victoria Ave. North until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of The Planning Act.

FINANCIAL/STAFF/LEGAL IMPLICATIONS: N/A

BACKGROUND:

1. The Research Sub-committee at its meeting on April 17, 1991 noted that 24 Victoria Ave. North is on the Inventory of Buildings of Architectural and Historical Interest. It was noted also that there were no immediate plans for redevelopment and therefore a possibility still existed that the building could be rehabilitated sometime in the future.
2. Because the building is a residential building, although presently vacant, demolition could be postponed under the provisions of the Demolition Control By-law until plans for a replacement building have been approved.

24 Victoria Avenue North

April 1991



30, 28 and 24 Victoria Avenue North



24, 18 and 16 Victoria Avenue North

6.

FOR ACTION

REPORT TO

S.K. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM

L.D. TURVEY, P.ENG.
COMMISSIONER OF TRANSPORTATION/
ENVIRONMENTAL SERVICES

DATE: April 15, 1991
DEPT FILE: S714-10
COMM FILE:

SUBJECT

Novoco Gardens - Lot Grading

RECOMMENDATION

- a) That the City engage the services of Urbex Engineering Ltd. to provide engineering, specifications and inspection for the construction of a retaining wall on Lots 43 and 44 in Novoco Gardens and to complete the remainder of the lot grading study for Novoco Gardens on a cost plus basis estimated to be \$16,000 and the City Treasurer be authorized and directed to issue a purchase order to Urbex Engineering Ltd.; and,
- b) That the Commissioner of Transportation/Environmental Services be authorized and directed to undertake remedial grading immediately for Lots 25, 26, 28 and 39 to 44 inclusive in Novoco Gardens and for whichever lots are identified through the engineering study for Novoco Gardens to be undertaken in Item a). The said works are to be undertaken through the annual grading contract up to a value of \$70,000, with all costs to be recovered from the subdivider. Interim financing shall be charged to Account No. PR-53-70090.
- c) That the Law Department be directed to take such steps as are necessary to recover the cost from the subdivider, including calling upon securities held by the City.

Charles A. Unelli
Prepared By:
C.A. Unelli, C.E.T.
Development Coordinator (Environmental)

Ted Gill
Approved for submission by:
E.M. Gill, P.Eng.
Senior Director - Roads Department

Cont'd

Novoco Gardens - Lot Grading

Cont'd

FINANCIAL IMPLICATIONS

All cost incurred with respect to construction of retaining walls and grading will be charged to the subdivider and recovered through securities held by the City, if necessary.

BACKGROUND

The subdivider for Novoco Gardens is Novoco Enterprises Limited. The plan of subdivision was registered on April 2, 1987 and the lot grading was to be completed no later than May 30, 1990. Since the subdivider defaulted on the grading, the City Solicitor was asked to compel the subdivider to submit the grading certificate in accordance with Section VIII of the City Subdivision Agreement. The Law Department has directed Treasury not to release any securities held on this subdivision until this problem is resolved. The City is currently holding approximately \$115,000 in securities. The Law Department has also notified the subdivider that the City would rectify the situation at the subdivider's expense.

Due to complaints from various homeowners within this development, staff inspected the development and found many areas to be contrary to the approved grading plan. Urbex Engineering was retained in the fall of 1990 to complete a comprehensive engineering study to determine the problem areas and to provide solutions. The initial report dealt with the area of Francesca and Cedarlawn Courts.

It was determined that the retaining wall constructed on Lots 43 and 44, which was not a requirement of the approved grading plan, would have to be reconstructed and the lots regraded since the existing wall cannot support the additional height required to grade the lots more closely to what was indicated on the approved grading plan.

The reconstruction of the retaining wall on Lots 43 and 44, including a safety barrier and regrading the lots has been estimated to be \$35,000. Urbex has provided us with an estimate of \$4,000 to design and provide inspection for the proposed retaining wall on Lots 43 and 44. The work is to be completed under our annual grading contract and all costs will be charged back to the subdivider. Additional work on the lots around Francesca Court will bring the total cost to \$40,000.

We are also recommending that Urbex Engineering Limited be retained by the City to complete the second phase of the study for the remainder of the lots within this development. Their engineering services have been estimated to be \$12,000.

Cont'd

-Page 3-
April 15, 1991

Novoco Gardens - Lot Grading

Cont'd

Based on the work identified by the consultant as being required under the first report, we anticipate that ultimate grading cost could be as high as \$70,000. All costs incurred for engineering and grading will be charged to the subdivider.

CAU:ja
Attach.

cc: Mayor R. Morrow
cc: Alderman D. Ross
cc: Alderman T. Murray
cc: P. Barkwell, Law Department
cc: E.C. Matthews, Treasury Department
cc: B. Allick, Building Department

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 11, 1991
DA-90-103 (ZA-89-86)
Gurnett Neighbourhood

REPORT TO: S. K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

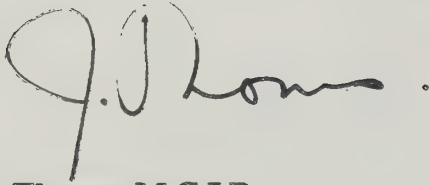
SUBJECT:

Site Plan Control Application DA-90-103 for a (6) unit condominium apartment building at 780 Upper Paradise Road.

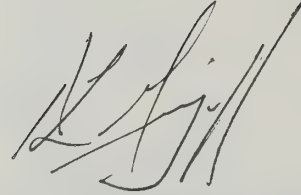
RECOMMENDATION:

That approval be given to Site Plan Control Application DA-90-103 by ARP Construction Ltd. c/o (Peter Bonitatibus), owner, of lands known as 780 Upper Paradise Road for a (6) unit condominium apartment building subject to the following:

- i) modification to the plan in relation to notes and dimensions as marked in red on the plan;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- iii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**



**A.L. Georgieff, M.C.I.P.
Director of Local Planning**

BACKGROUND:

Plans have been submitted for a (6) unit condominium apartment building at 780 Upper Paradise Road. The details of the development are as follows:

| | | |
|----------------------------------|---|-----------------------------------|
| • Net Lot Area | - | 1131.58 m ² |
| • Gross Floor Area | - | 214.8 m ² (max.) |
| • Building Height | - | 11.0 m, three (3) storeys |
| • No. of Parking Spaces Provided | - | 9 (min.) |
| • No. of Loading Spaces | - | one (1) @ 3.7 m x 9.0 m |
| • Landscape Area | - | 466.84 m ² (41.26%) |
| • Exterior Building Materials | - | brick veneer and asphalt shingles |

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the grading plan requires clarification and modification in accordance to their comments. A revised grading plan should therefore be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

The Building Department has reviewed the plans submitted and have advised that the accessory structure (refuse area) is not allowed in the front yard.

The Traffic Department has reviewed the plans submitted and have the following comment:

"At the time of zoning, the plans submitted in support of the application indicated a four unit building which did not require any loading spaces. The plans were satisfactory and we, therefore, supported the application.

The current application provides completely revised plans with six units which does require a 3.7 m x 9.0 m loading space. Because of the limited size of the site, manoeuvring in and out of the loading space will be difficult. However, taking into consideration the small number of units, we are prepared to accept it as indicated. We would, however, recommend eliminating the one parking space next to the loading space to ease the manoeuvring in and out of the loading space."

The Hamilton Street Railway has reviewed the application and is not opposed to the development.

COMMENTS

Various modifications are required to the plan in relation to notes and dimensions, and have been marked in red on the plans.

With respect to the various department comments the applicant has agreed to modify the plans accordingly and as shown in red on the plans.

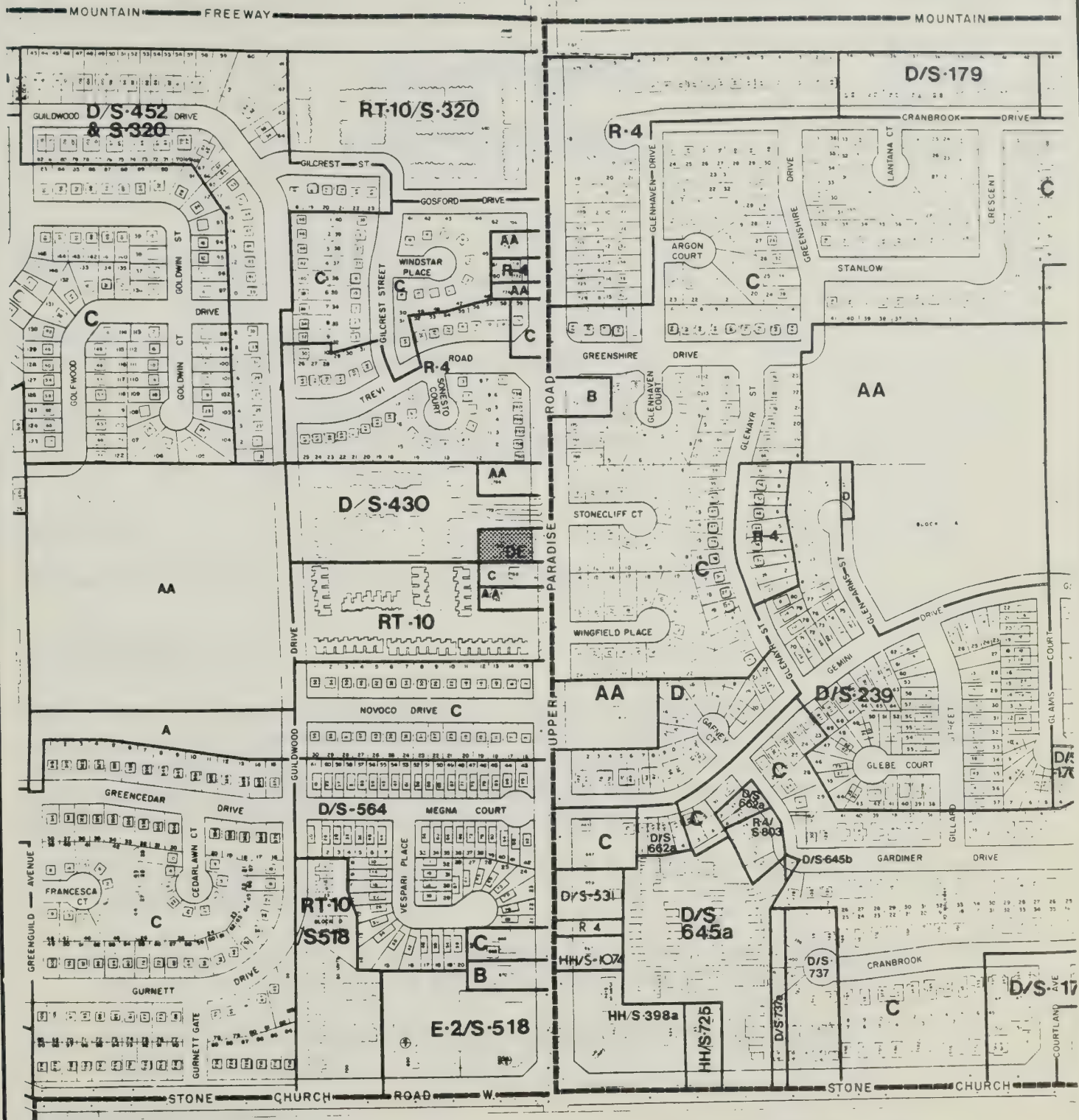
Furthermore, the landscape plan should be revised to address the following:

- a) The existing trees, "to be retained", should be protected during construction. The landscape plan should show limit of work fencing and should provide a note which states that no construction materials are to be stored within the drip line of the existing trees.

- b) The overall landscape design should be reconsidered to provide a variety of trees and shrub. The proposed landscape plan provide coniferous trees and deciduous trees but no understorey shrubs and/or mass shrub plantings.
- c) The landscape design should also consider adjacent properties (ie. screen of parking area).

A revised landscape plan should therefore be submitted to the satisfaction of the Director of Local Planning Planning and Development Department.

JL/ma
DA90103



GURNETT No. 57

GILKSON No. 50

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-90-103

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale

1:5000

Reference File No.

DA-90-103

Date

FEBRUARY, 1991

Drawn By

L.B.

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 11, 1991
(ZA-91-07; Falkirk West Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a change in zoning - No. 763 Stone Church Road West.

RECOMMENDATION:

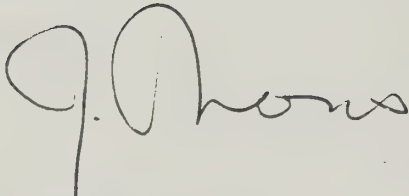
That approval be given to Zoning Application 91-07, 603997 Ontario Ltd., (Tony Dussin), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property at No. 763 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property at No. 763 Stone Church Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to divide the subject property to create a building lot for a single-family detached dwelling. The existing dwelling will be moved onto the new lot to the west.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

603997 Ontario Ltd., (Tony Dussin), owner.

BACKGROUND:

- Land Severance Application

On March 5, 1991 the Regional Land Division Committee approved Land Severance Application H-16-91 for consent to convey a parcel of land measuring 43.5' x 208' for residential purposes, and to retain a parcel of land measuring 43.5' x 208' for residential purposes fronting onto Stone Church Road West. As a condition of approval, the applicant was required to submit proof of final approval of any necessary change of zoning/zoning amendment.

LOT SIZE AND AREA:

- 26.51 m (87.0 ft.) of lot frontage on Stone Church Road West;
- 63.4 m (208.0 ft.) of lot depth; and,
- 1,681.1 m² (18,096 sq.ft.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------|--------------------------|---------------------------------|
| <u>Subject Lands</u> | single-family dwelling | "AA" (Agricultural)
District |

Surrounding Lands

| | | |
|--------------|-------------------------|--|
| to the north | single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the south | single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the east | single-family dwellings | "AA" (Agricultural) District |
| to the west | single-family dwelling | "AA" (Agricultural) District |

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" Land Use concept plan of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" use on the approved Falkirk West Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

"1. The proposed dwelling and the existing dwelling to be relocated on the proposed lots shall comply with the following minimum requirements:

| | | |
|------------|---|---|
| Front yard | - | 6.0 m (19.69') |
| Side yard | - | 1.2 m (3.94') |
| Rear yard | - | 7.5 m (24.61') |
| Lot width | - | 12.0 m (39.37') |
| Lot area | - | 360.0 m ² (3,875.13 sq. ft.) |

Parking space: One 2.7 m X 6.0 m (8.86' X 19.69') not located in the required front yard.

2. The Land Division Committee application H-16-91 shall be final and binding."

- The Traffic Department has advised that:

"... we have reviewed the above-noted application and find it satisfactory subject to the applicant providing the required parking for each lot on-site."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. For the Committee's information, the required road allowance widening on Stone Church Road is a condition of Land Severance Application H-16-91 which was approved on March 5, 1991.

Any works which may occur within the Stone Church Road allowance, as widened, must conform to the Region's Road Use By-Law."
- The Town of Ancaster, Hamilton Region Conservation Authority, and the Hamilton Wentworth Regional Police Department have no comments or objections.

COMMENTS:

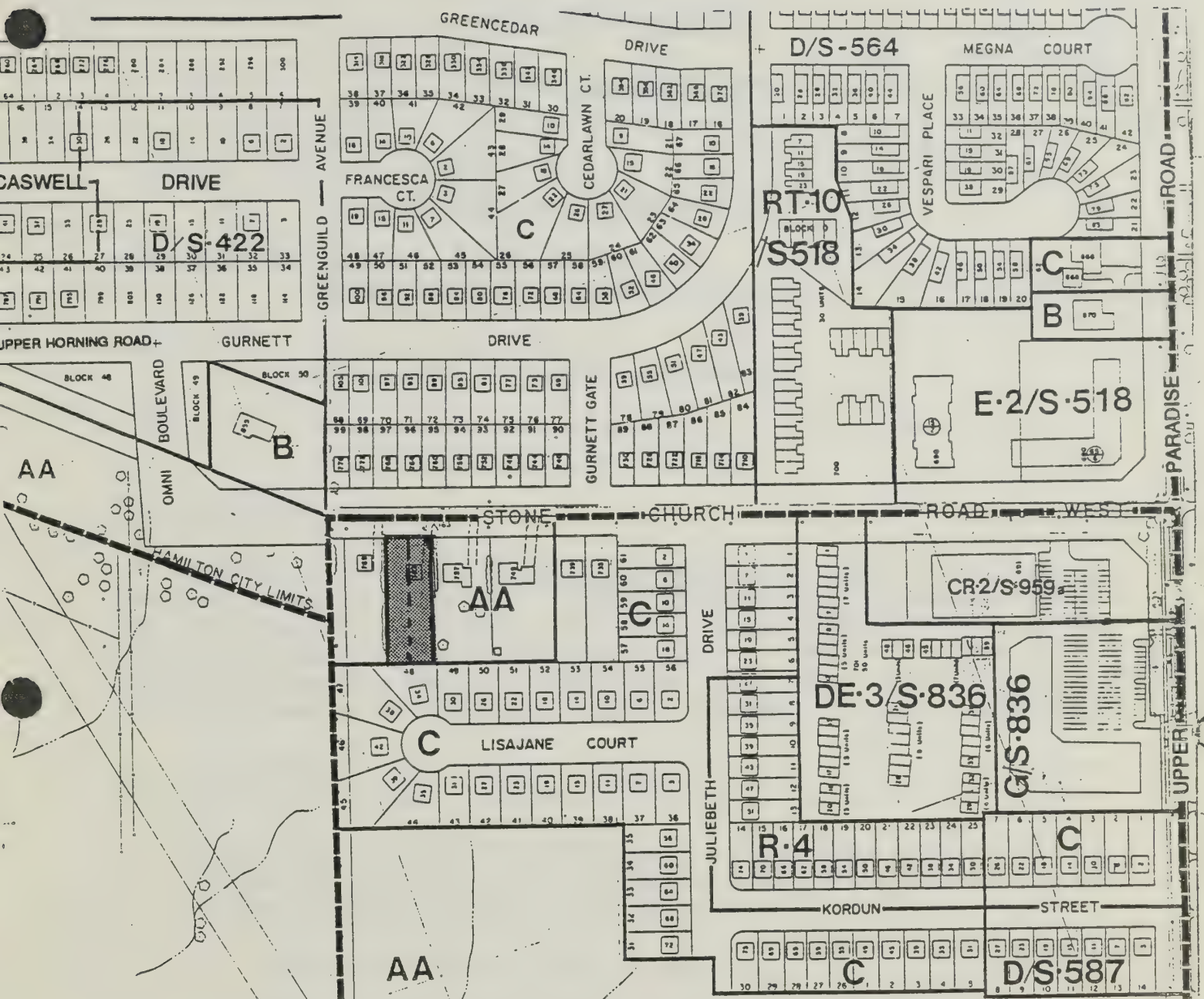
1. The proposal complies with the intent of the Official Plan and the approved Falkirk West Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - a) it is compatible with existing and future single-family development contemplated in this area;
 - b) it implements the intent of both the Official Plan and the approved Falkirk West Neighbourhood Plan;
 - c) it implements the condition of rezoning imposed by the Regional Land Division Committee in conjunction with land severance application H-16-91.

CONCLUSION:

On the basis of the foregoing the application can be supported.

GAW:ma/dkp

A:\ZA9107



Legend



Site of the Application



9.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 15
(ZA-91-04; Templemead Neighbourhood)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for a change and modification in zoning - Nos.
1515 and 1523 Upper Gage Avenue.

RECOMMENDATION:

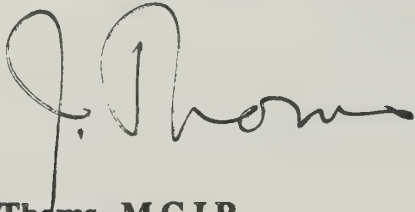
That approval be given to amended Zoning Application 91-04, Houston Homes Ltd., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", to permit development of 18 condominium townhouse units, for property located at Nos. 1515 and 1523 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- ii) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special provision:
 - a) That Section 10E(1)(a)3. shall not apply;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Map E-49D be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- vi) That the approved Templemead Neighbourhood Plan be amended by redesignating Block "1" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for Block "1" and a modification to the established "RT-20" (Townhouse - Maisonette) District for Block "2", for property located at Nos. 1515 and 1523 Upper Gage Avenue, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for an eighteen unit condominium townhouse complex.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is seeking to rezone Block "1" from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District in order to develop the subject lands for condominium townhouses in conjunction with the adjoining lands to the north and east (see APPENDIX "A").

- Zoning Application 88-30

At its meeting of July 13, 1988, the Planning and Development Committee approved this application for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District for property located at No. 1515 Upper Gage Avenue and the rear of No. 1523 Upper Gage Avenue (see APPENDIX "B"). City Council, at its meeting of July 26, 1988, adopted the recommendation of the Planning and Development Committee.

By-law No. 88-222, which implements the changes in zoning, came into effect on September 27, 1988.

• Development Application 91-07

This application was submitted to the Planning and Development Department for Site Plan approval of Nos. 1515 and 1523 Upper Gage Avenue. The proposal is to develop the lands for 18 condominium townhouse units with 27 parking spaces (see APPENDIX "C"). As the property located at No. 1523 Upper Gage Avenue is not zoned for townhouses, the site plan application is being held in abeyance until the rezoning for No. 1523 Upper Gage Avenue is resolved.

APPLICANT:

Houston Homes Ltd, owner.

LOT SIZE AND AREA:

The subject lands have:

- 39.956 m (131.09 feet) of lot frontage on Upper Gage Avenue;
- 116.719 m (382.94) feet of lot depth; and,
- 0.46 ha (1.15 acres) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------|---|
| <u>Subject Lands</u> | single-family dwellings | "C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse-Maisonette) District |
| <u>Surrounding Lands</u> | | |
| to the north | street townhouses | "RT-30" (Street Townhouses) District |
| to the south | single-family homes | "C" (Urban Protected Residential, etc.) District |
| to the west | single-family homes | "G" (Neighbourhood Shopping Centre, etc.) District modified and "L-c" (Planned Development - Commercial) District |

modified

to the east

single-family homes

"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Block "1" is designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Templemead Neighbourhood Plan while Block "2" is designated "ATTACHED HOUSING". The proposal to rezone Block "1" does not comply with the neighbourhood plan. Approval of the application would necessitate a redesignation to "ATTACHED HOUSING" for Block "1".

COMMENTS RECEIVED:

- The following agency has no comment or objection:

- Hamilton Region Conservation Authority.

- The Building Department has advised that:

"1. Every parallel parking space shall be not less than 2.5 m x 6.7 m.

2. The net lot area indicated is incorrect. Further review of this proposed development will be done at the time of Site Plan Control application."

- The Traffic Department has advised that:

"Please be advised that we have reviewed the above-noted application and find the proposed change in zoning to be satisfactory subject to no street townhouses being allowed direct access to Upper Gage Avenue.

In regard to the site plan submitted with the application, the applicant should be advised that the parallel parking spaces along the north property line must be 2.5 m x 6.7 m. Even though the site plans do not show a garbage container between units 12 and 13, the applicant should be advised that, if this is the intention, there would be insufficient manoeuvring room for a single unit truck to get turned around

on-site after getting into this spot. A truck backing out onto Upper Gage Avenue would be unacceptable."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper Gage Avenue road allowance.

Any works which may occur within the Upper Gage Avenue road allowance, as widened, must conform to the Region's Roads Use By-law."

COMMENTS:

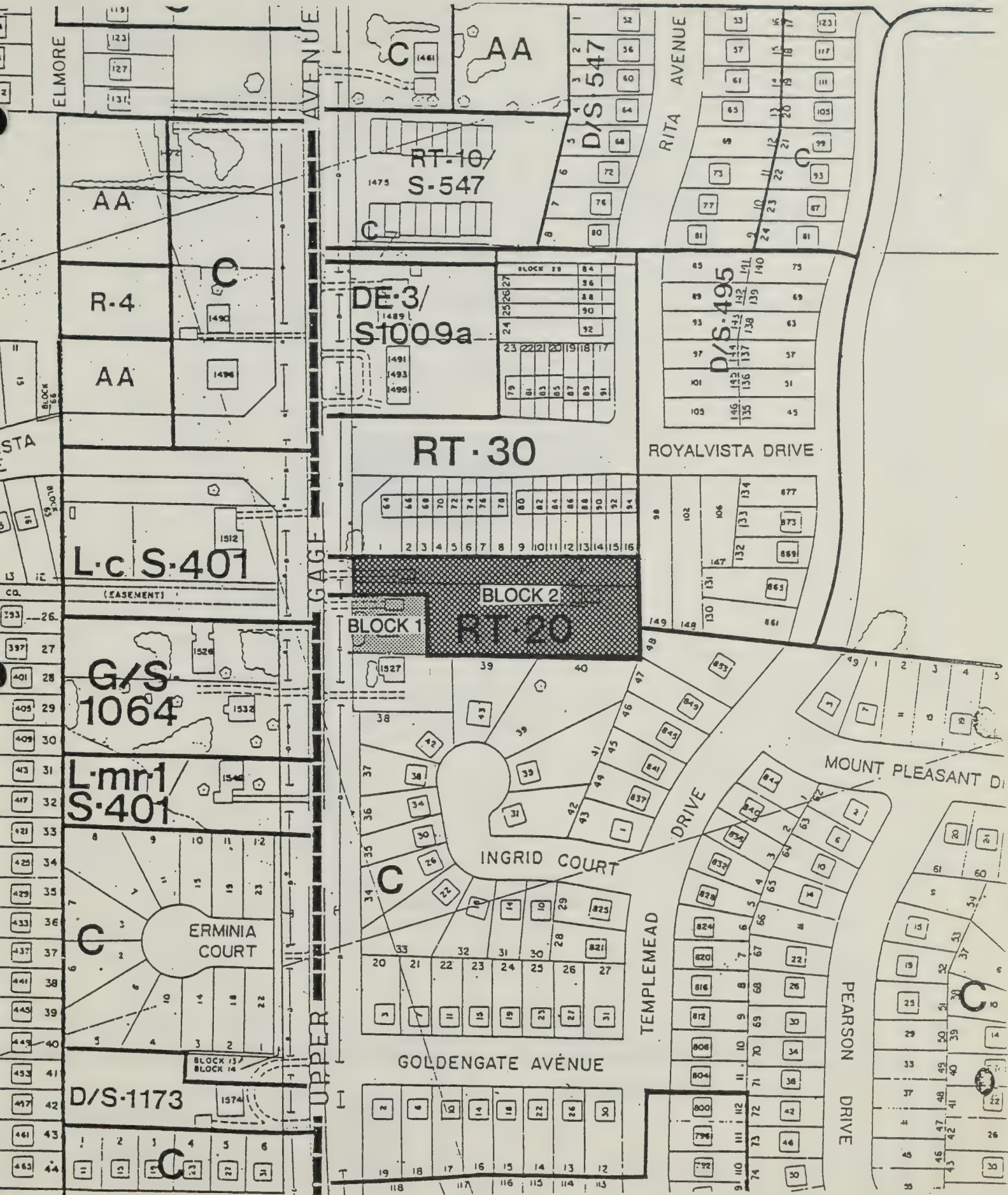
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal to rezone Block "1" does not comply with the intent of the approved Templemead Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" for Block "1".
3. The proposal has merit and can be supported for the following reasons:
 - i) it provides for a comprehensive townhouse development of both blocks;
 - ii) the proposal is compatible with the existing land uses in the surrounding area including street townhouses to the north; and,
 - iii) the requested zoning is appropriate for the subject development.
4. On the basis of the site plan submitted, the Building Department has advised that some of the parking spaces are substandard in length. No variance to reduce the length of these parking spaces can be supported as there are no constraints on the site that would preclude development in accordance with By-law standards nor has the applicant provided any information to justify why the parallel parking spaces cannot be constructed in accordance with the standards of the Zoning By-law.
5. In keeping with the recommendation from the Traffic Department, street townhouses should be prohibited on Blocks "1" and "2". It should be noted that the applicant is in agreement with this restriction.
6. The "RT-20" (Townhouse-Maisonette) District is subject to Site Plan Control By-

law No. 79-275, as amended by By-law No. 87-223. As discussed in the "Background" section of this report, a site plan has already been submitted for these properties, as shown on APPENDIX "C". Matters such as landscaping, fencing, and access will be addressed at that stage of development approval. In addition, special design requirements (e.g. landscaping, visual barriers) to mitigate potential spill-over effects on adjoining single-family development will be incorporated.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma
WPZA9104



Legend

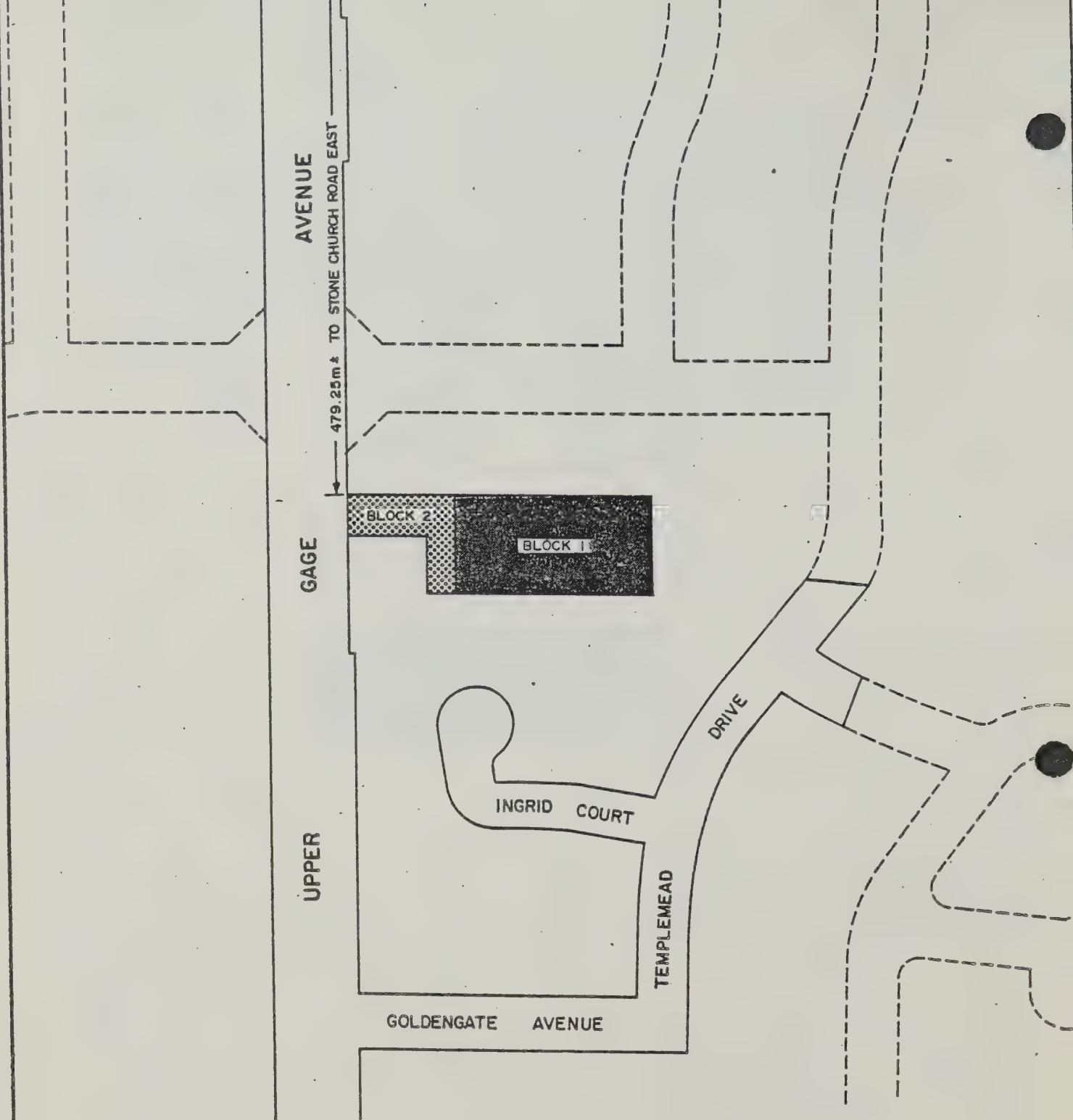
BLOCK 1



Site of the Application

BLOCK 2





NOTE: ALL DIMENSIONS ARE IN METRES

CITY OF HAMILTON

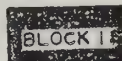
KEY MAP

TO BY-LAW N°88-222

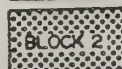
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM:



"AA" (AGRICULTURAL) DISTRICT TO "RT-20"
(TOWNHOUSE - MAISONETTE) DISTRICT.



"C" (URBAN PROTECTED RESIDENTIAL, ETC.)
DISTRICT TO "RT-20" (TOWNHOUSE - MAISONETTE)
DISTRICT.

North



Scale

NOT TO SCALE

Date

AUG. 1988

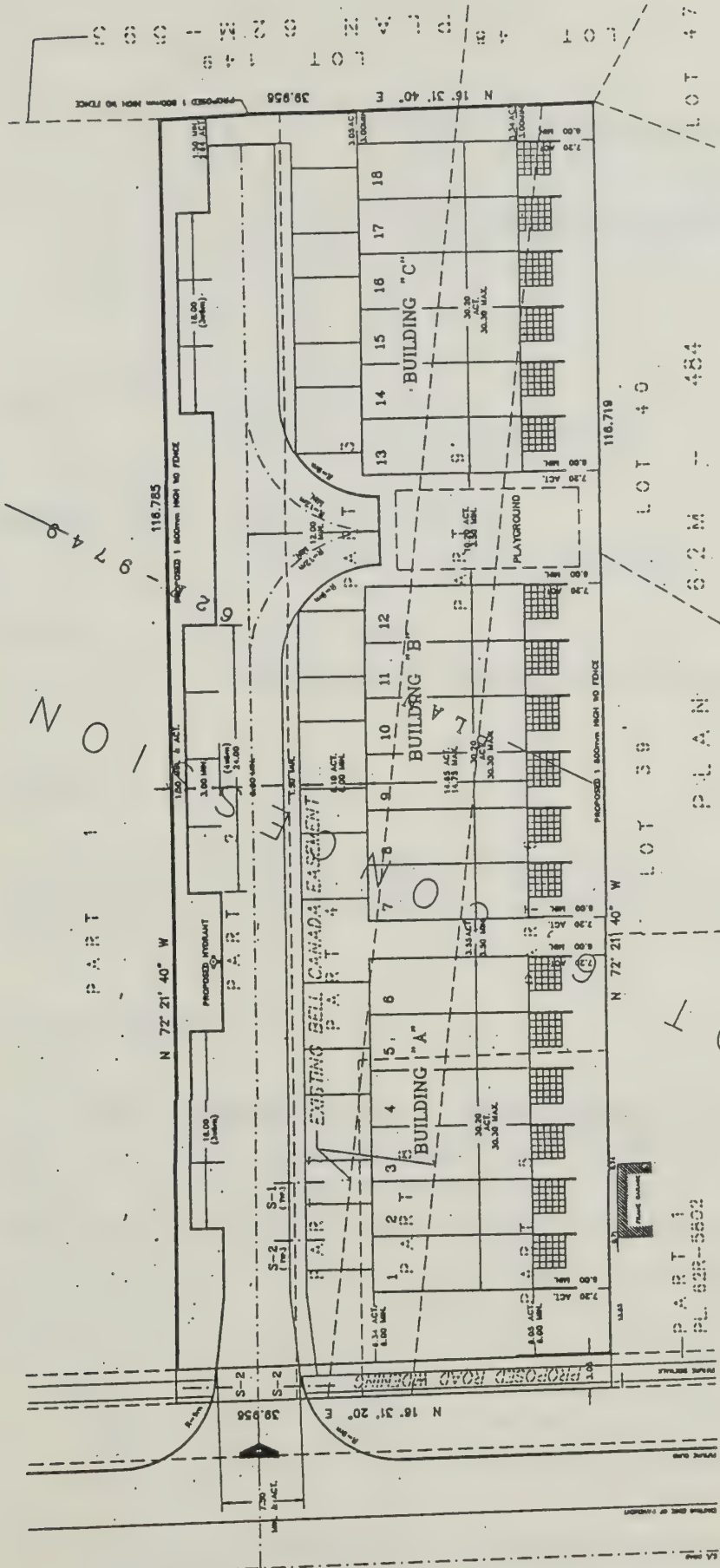
Reference File No.

ZA88-30

Drawing No.

APPENDIX B

UPPER GAGE AVENUE



| SITE DEVELOPMENT DETAILS | |
|--------------------------|---------------------------------|
| NET LOT AREA | 40543.43 m ² |
| BUILDING COVERAGE | 1 327.29 m ² (28.8%) |
| GROSS FLOOR AREA | 1 836 m ² |
| BUILDING HEIGHT | 11.00 m |
| No. OF UNITS | 18 |
| No. OF PARKING SPACES | 28 (27 REQUIRED) |
| PAVED AREA | 1 394 m ² (30.69%) |
| LANDSCAPED AREA | 1 822 m ² (40.10%) |

10.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 9, 1991
(ZA-88-129; Butler Neighbourhood)

REPORT TO: S. K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for an Official Plan Amendment and a change in zoning - property at the south-east corner of Upper Wentworth Street and Stone Church Road East.

RECOMMENDATION:

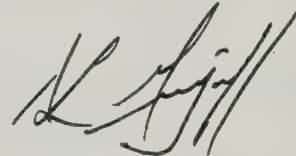
That Zoning Application 88-129, T. Valeri Construction Limited, owner, requesting an Official Plan Amendment to redesignate lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "E-2" (Multiple Dwellings) District modified to "G-1" (Designed Shopping Centre) District to permit a 2 storey shopping centre having retail commercial uses on the ground floor and offices on the second floor, for property located at the south-east corner of Stone Church Road East and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- a) The proposal does not comply with the intent of both the Official Plan and the approved Butler Neighbourhood Plan which designate the lands "Residential".
- b) There is an adequate supply of commercial land, existing and proposed, within the area along the abutting arterial roads to serve the needs of the present and future inhabitants of this area.

- c) The proposal conflicts with the position of City Council, adopted February 9, 1988, to deny the previous zoning application to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.) on the subject lands.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit construction of a 2 storey shopping centre having retail commercial uses on the ground floor and offices on the second floor.

- ZA-87-109

At its meeting held on January 27, 1988 the Planning and Development Committee DENIED Zoning Application 87-109 for a change in zoning of the subject lands from "E-2" (Multiple Dwellings) District to "CR-2" (Commercial-Residential) District to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.).

The application was denied for the following reasons:

- "a) There is an adequate supply of commercial land, both existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future residents of the area. In addition, the introduction of more commercial development may undermine the viability of these approved sites.
- b) It does not comply with the Official Plan or the approved Butler Neighbourhood Plan. Both plans designate the area "Residential".

City Council at its meeting held on February 9, 1988 adopted the recommendation of the Planning and Development Committee to deny the application.

- ZA-84-50

During 1984 the applicant submitted Zoning Application 84-50 which proposed rezoning of the subject parcel of land from "E-2" (Multiple Dwellings) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit townhouse development. By way of a letter dated September 13, 1984 the applicant decided to amend his application to delete the subject lands from the rezoning application. The balance of the lands were rezoned in accordance with By-law No. 84-271 passed by City Council on December 11, 1984.

- By-law 78-151

At its meeting held on May 30, 1978 City Council passed By-law 78-151 which rezoned the site in question from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- approximately 110.4 m (362.4 ft.) of lot frontage on Stone Church Road East;
- 60.36 m (198.0 ft.) of lot frontage on Upper Wentworth Street; and,
- approximately 0.44 ha (1.08 ac) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------------------|---|
| <u>Subject lands</u> | vacant | "E-2" (Multiple Dwellings)
District, modified |
| <u>Surrounding Lands</u> | | |
| to the north | small lot single-family
dwellings | "D" (Urban Protected
Residential, One and Two-
Family Dwellings,
Townhouses, etc.) District,
modified |
| to the south | single-family
dwellings | "AA" (Agricultural) District
and "D" (Urban Protected
Residential One and Two-
Family Dwellings,
Townhouses, etc.) District,
modified |
| to the east | single-family dwellings | "C" (Urban Protected
Residential, etc.) District
and "D" (Urban Protected
Residential One and Two-
Family Dwellings,
Townhouses, etc.) District,
modified |
| to the west | townhouses | "E-2" (Multiple Dwellings)
District, modified |

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.3 Within areas designated RESIDENTIAL, uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments, and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local residential areas only with convenience goods and personal services.
- A.2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- A.2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

On the basis of the foregoing, and taking into consideration that the proposed uses will not be limited to convenience type uses as permitted in the Local Commercial category, and that the site exceeds .4 hectare (1 acre) in area, the proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation from "RESIDENTIAL" to "COMMERCIAL".

NEIGHBOURHOOD PLAN:

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Butler Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:

"The lot shall have an area of at least 4,000 m² (0.99 acres) as per Section 13A(5)."

- The Traffic Department has advised that:

"The proposed rezoning is not in accordance with the approved Neighbourhood Plan which designates this area as residential. Approval of this application could set an undesirable precedent for future applications."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend as a condition of zoning approval, that sufficient land be dedicated to the Region to establish the property line 15.24 m from the centreline of the Stone Church Road road allowance.

The designated road allowance width of Upper Wentworth Street is 36.58 m. In accordance with this designation, we recommend as a condition of zoning approval, that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the Upper Wentworth road allowance. We also require a 12 m x 12 m

daylight triangle to be taken from the widened limits of Stone Church Road and Upper Wentworth Street.

Any works which may occur within the Upper Wentworth Street or Stone Church Road road allowances, as widened, must conform to the Region's Road Use By-law.

Any new or altered access to Upper Wentworth Street or Stone Church Road requires the approval of the City of Hamilton Traffic Department."

- The Hamilton Region Conservation Authority and Local Architectural Conservation Advisory Committee have no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.
2. The proposal conflicts with the intent of the approved Butler Neighbourhood Plan which designates the site for "Medium Density Apartments." Approval of the application would require redesignation to "Commercial".
3. As illustrated on APPENDIX "B", there is an adequate supply of commercial sites (existing and proposed) to serve the needs of the existing and future residents in this area, including the following:

| <u>Location of
Commercial Site</u> | <u>Approximately
Size of Site</u> | <u>Distance from
Subject Lands</u> | <u>Developed</u> |
|--|---------------------------------------|--|---|
| 1. No. 1314 Upper
Wentworth Street | 0.202 ha (0.5 ac) | 350' +/- | conversion
of building
subject to
approval
of site plan
prior to
B y - l a w
passage |

| | | | | |
|----|--|-------------------|------------|-----|
| 2. | No. 25 Redmond Dr. | 0.77 ha (1.9 ac) | 700' +/- | yes |
| 3. | west side of Upper
Wentworth Street
between Stone Church
Road East and Rymal
Road East | 1.38 ha (3.4 ac) | 1,000' +/- | no |
| 4. | west side of Upper
Wentworth Street,
north of Pescara Ave. | 0.32 ha (0.8 ac) | 1,400' +/- | yes |
| 5. | Ryckmans Multi-Centre | 2.02 ha (5.0 ac) | 2,200' +/- | no |
| 6. | Butler Neighbourhood | 0.80 ha (2.0 ac) | 2,300' +/- | yes |
| 7. | Effort Gardens N/E
corner of Rymal Rd.E.
and Upper Wentworth St. | 4.45 ha (11.0 ac) | 2,400' +/- | no |
| 8. | Wentwal Development
N/W corner of Rymal
Rd. E. and Upper
Wentworth St. | 0.80 ha (2.00 ac) | 2,600' +/- | no |
| 9. | Limeridge Mall and
associated commercial
development in the
vicinity | 40 ha (100 ac) | 3,600' +/- | yes |

Accordingly, the introduction of an additional commercial site may undermine the viability of existing and proposed commercial sites. In this regard, there are approximately 50 ha (125 ac) of commercially designated lands within 1,097 m (3,600 ft.) of the subject lands.

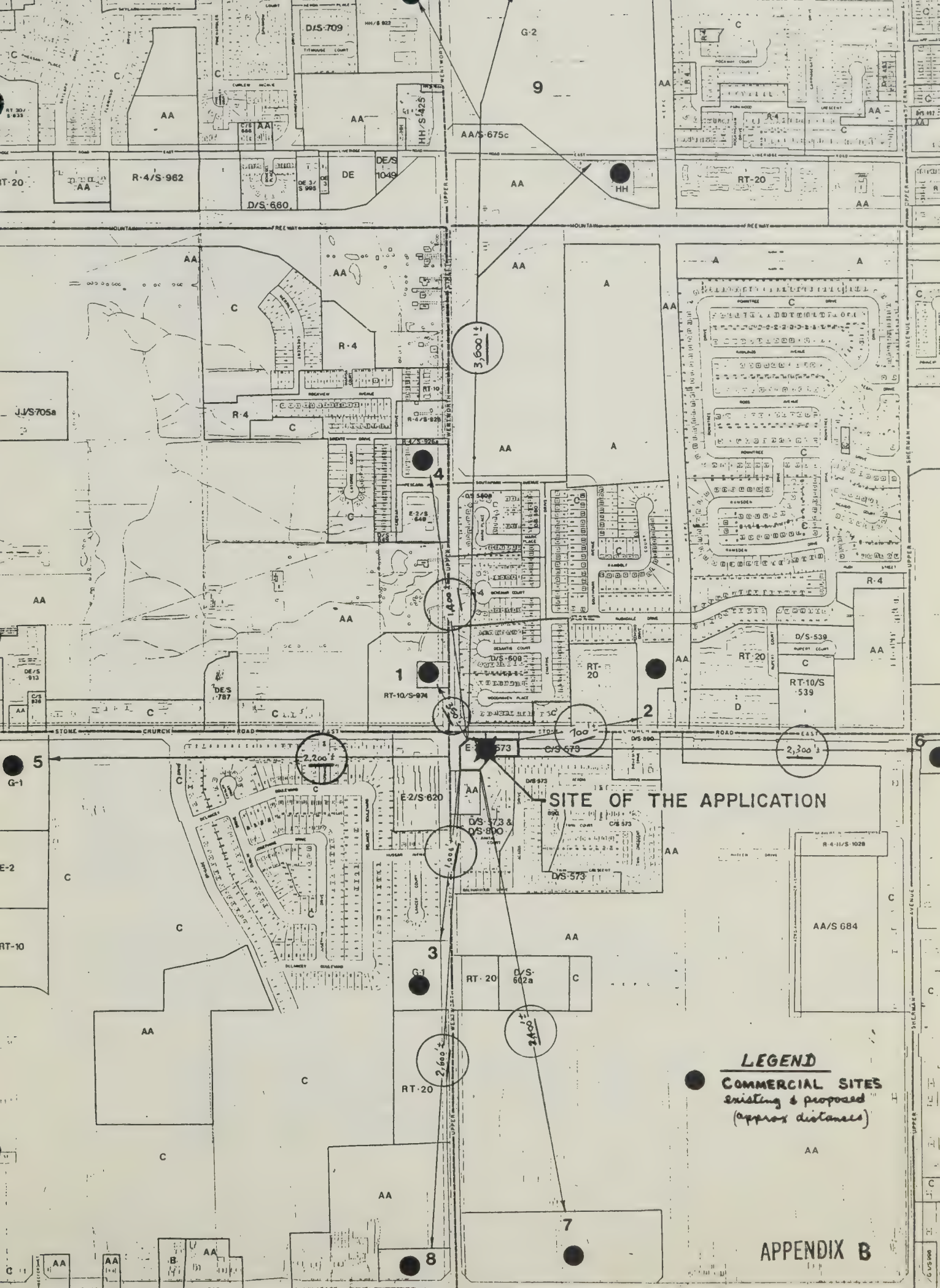
4. The proposal conflicts with the position of City Council, adopted February 9, 1988, to deny the previous zoning application (ZA-87-109) to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.). In this regard, no new planning evidence has been submitted by the applicant to justify any change to this policy.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma

WPZA88129



SITE OF THE APPLICATION

LEGEND
● COMMERCIAL SITES
existing & proposed
(approx distances)



10a.

March 13, 1991

Gary and Lee Curtis
122 Charing Drive
Hamilton, Ontario
L8W 3A9
home phone 575-4702

MAR 14 1991

Mr. F. Lombardo, Chairman
The Planning and Development Committee
City of Hamilton

Dear Mr. Lombardo:

Re: Planning dept. file # ZA-88-129
Application from T. Valeri Construction Ltd. to change
zoning from E-2 to G-1, south east corner of Stone Church
Road and Upper Wentworth Street.

As homeowners living at 122 Charing Drive, we are opposed to the
above application for the following reasons:

1. It is beginning to appear that a strip mall is a builder's
reward for constructing a subdivision. If that is going to be
the case, it should be made clear to potential buyers from the
outset.

It seems to happen all the time - the whole survey is designated
for a variety of types of dwellings and people buy homes on that
basis. Lo and behold, a strip mall springs up nearby, in a spot
the homeowners expected to see townhouses.

In our experience, builders' reps are consistently vague when
questioned about that possibility at the outset.

2. We find it ironic that, despite our high tax rates, our
children must be bussed out of our neighbourhood to go to primary
school 2.5 kilometres away. Yet they will, if this zoning change
is approved, be within walking distance of three strip malls, all
within .9 kilometres.

- a) At the corner of Upper Wentworth Street and Pescara
Avenue, we have a strip mall with pharmacy, doctors'
offices, food outlets and variety store. One unit is
empty. That strip mall is .5 kilometres from the site
proposed for zoning change.

Note: application cancelled at
the request of the applicant for
man: 20 mts

.....2

- b) On Redmond Drive between Rushdale Drive and Stone Church Road, we have a strip mall with a gift shop, hairdresser, video outlet and variety store. What appears to be a large restaurant space, along with two smaller retail spaces have been vacant since completion of the mall about 1½ years ago.
The Lounsbury Realty sign in front of the strip mall indicates available spaces range from 1,175 to 9, 155 square feet.
A new McMaster Health Centre is under construction adjacent to this mall.
This strip mall is .4 kilometre from the site proposed for zoning change.
- c) At Upper Wellington Street and Stone Church Road, .8 kilometre from the site of the proposed zoning change, a sign indicates retail space available in Wellington Chase Plaza, to be built.
- d) At the corner of Upper Sherman and Stone Church Road, a Rosart Properties sign in front of the existing gas station advertises retail spaces available in a strip mall to be built. This location is .9 kilometres from the site of the proposed zoning change.
- e) About one kilometre north of the site proposed for zoning change, one hits the Limeridge Road to Mohawk Road strip of Upper Wentworth Street, with Lime Ridge Mall, a large Fortino's grocery store, fast food outlets, and a multitude of retail outlets on both sides of the street. Space appears to be available in some of these strip malls. While we acknowledge these do not qualify as "neighbourhood plazas", they do provide for almost every conceivable consumer need.

3. The Stone Church Road/Upper Wentworth Street corner is already subject to heavy traffic as a result of all the new housing that has sprung up in the past few years. Adding a retail strip will only exacerbate these traffic problems.
One anticipates the proposed strip mall will include a variety store, thereby drawing lots of children to a busy intersection controlled only by stop signs.

MAR 14 1981

.....3

3. (cont'd)

We also wonder how there can be enough space on the proposed land for a worthwhile retail project, given it appears that at some point in the future both Stone Church Road and Upper Wentworth Street will be widened.

4. We fear the quality of life for the homeowners on Acadia Drive, particularly those backing onto the strip mall, will suffer greatly.

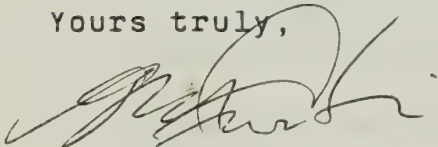
They will be subject to increased noise, litter, garbage and, especially in the summer months, potential odour and rodent problems. Use of backyards is likely to be severely curtailed.

In addition to our specific concerns about the proposed zoning change, we'd like to register a complaint about the timing of these committee meetings. Holding such meetings during the day is unfair to many employed taxpayers who work day shifts. Some may not be able to get excused from work at all, while others may suffer a loss of income as a result of their attendance.

At the same time, this is part of the regular business day for the builder, who stands to gain from the proposed zoning change.

In conclusion, thank you for your attention to these matters. One of us plans to attend the March 20 meeting to voice our concerns in person.

Yours truly,



Gary Curtis



Lee Curtis
office phone 526-3335

11.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 April 15
ZA-90-85
Gibson Neighbourhood

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

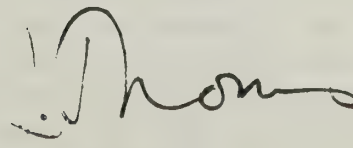
FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 585 Cannon
Street East.

RECOMMENDATION:

That amended Zoning Application 90-85, Stephen Wood and John Wood, owners, requesting a modification to the established "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District regulations, to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to four dwelling units, for property located at No. 585 Cannon Street East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan;
- ii) it is an overintensification of land use in that adequate parking cannot be provided. In this regard, the Traffic Department has advised that there are existing parking problems in the area and they are unable to support the proposal; and,
- iii) approval of the application would encourage other similar applications which, if approved, would change the character of the area and undermine the established neighbourhood.


J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department


A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicants are seeking to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to four dwelling units. The applicants have advised that the three legal non-conforming units have the following floor area: 47.4 m² (510 square feet); 94.8 m² (1,020 square feet); and 73.4 m² (790 square feet). The applicants have also advised that the fourth unit has a floor area of 79 m² (850 square feet). There are no legal parking spaces on the property.

At the time the application was submitted, the applicants were seeking to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to five dwelling units. On March 12, 1991, the applicants amended the application to legalize four dwelling units. The applicants have also advised that the fifth dwelling unit, in the basement, will no longer be used for such purposes and has been removed.

- Zoning Verification Certificate and Order to Comply

On February 27, 1990, a Zoning Verification Certificate was issued to the attorney for the applicants. The certificate stated that the present and proposed use are five dwelling units. The Building Department stated, in reply, on the certificate that the five units were not permitted and: "Three dwelling units and a beauty salon have been previously recognized as a legal non-conforming use." (see APPENDIX "B")

On June 6, 1990, the Building Department issued an "Order to Comply" to the owners requiring them to reduce the occupancy to a three family dwelling from the existing five dwelling units (see APPENDIX "C").

- Land Severance Application H-9-86

This application was submitted to the Land Division Committee for severance of the properties known as 44 Chestnut Street and 585 Cannon Street East (see APPENDIX "D"). The application was necessary as, in 1986, the properties were owned by the same persons and thus had merged under title per the Planning Act. The applicants for the severance had indicated that the properties were always held under separate title; the Building Department confirmed that the properties were lots of record. The Land Division Committee granted the request for severance at its meeting of January 14, 1986 and the applicants subsequently satisfied the requirements of the Land Division Committee.

APPLICANTS:

Stephen Wood and John Wood, owners.

LOT SIZE AND AREA:

- 6.1 m (20.14 feet) of lot frontage on Cannon Street East;
- 18.3 m (60 feet) of lot frontage on Chestnut Street; and,
- 111.6 m² (1,200 square feet) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|------------------------------|---|
| <u>Subject Lands</u> | four dwelling units | "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | 2 storey - 3 family dwelling | "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District |
| to the south | single-family dwelling | "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District |
| to the west and east | three-family dwellings | "D" (Urban Protected Residential, etc. - One and Two Family Dwellings, Townhouses, etc.) District |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The applicants are seeking to legalize the conversion of the existing building from the legal non-conforming three dwelling units and beauty salon to four dwelling units. The adjacent properties to the north and east are three-family dwellings, as is the property to the west, on the opposite side of Chestnut Street. However, beyond these multiple dwellings, the predominant land use is single-family dwellings. A four family dwelling would be a multiple dwelling intruding into a predominantly single-family dwelling neighbourhood. Further, there is no provision for parking on the site.

With regard to the non-complying use, the following policy should be noted:

- "A.3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:
- iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:

- a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
- h) that adequate provisions have been, or will be, made for off-street parking and loading facilities;"

The proposal cannot be considered under the above policy as its approval would aggravate the existing situation in terms of parking. The beauty salon, recognized as a legal non-conforming use, is considered to be a "LOCAL COMMERCIAL" use in the Official Plan. Such uses are primarily dependent upon pedestrian traffic. The Planning Act permits the replacement of one legal non-conforming use with a similar use with the approval of the Committee of Adjustment. However, any other commercial use must comply with the "LOCAL COMMERCIAL" designation in the Official Plan and the policies regarding non-complying uses, noted above. Such a use, again, would be dependent upon pedestrian traffic from the neighbourhood and not vehicular traffic and, thus, should not exacerbate the existing on-street parking.

For these reasons, the proposal conflicts with the intent of the Official Plan. However, if the application is approved, an amendment to the Official Plan would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Gibson Neighbourhood Plan. The proposal does not comply with the intent of the Neighbourhood Plan. However, should the application be approved, no redesignation is required.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Heritage Planning Staff.
- The Building Department has advised that:
 - "1. This Department's records indicate that the use of the building is a legal non-conforming three-family dwelling and a commercial use of a hairdresser.
 2. A multiple dwelling is not a permitted use.
 3. A converted dwelling containing more than three dwelling units is not a permitted use.

4. A use as a multiple dwelling, containing five (5) Class "A" dwelling units, requires seven (7) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m) located on the lot.
5. A use of a converted dwelling requires a lot area of 270 m², a floor area of 65.0 m² for each dwelling unit and seven (7) parking spaces.
6. This Department issued an Order to Comply to reduce the occupancy to a three family dwelling.
7. A Zoning Verification Certificate was issued to verify that the use is a legal non-conforming three family dwelling and beauty salon."

And further advised, verbally, regarding the amended application:

"A four unit converted dwelling requires five parking spaces and no loading space."

- The Traffic Department has advised that:

"This site is located on Cannon Street at Chestnut Avenue. The Zoning By-law requires 7 parking spaces and one 3.7m x 9.0m loading space for a five unit building. This site does not have any space available to provide any on-site parking and/or loading space. Parking is prohibited on Cannon Street from 2 a.m. to 7:00 a.m. In addition there is a "No Stopping 4:00 p.m. to 6:00 p.m." regulation on the north side of the street. Chestnut Avenue has an "Alternate Side Parking" regulation. Residents have previously complained about the parking congestion on this street. As a result, we are not in a position to support this application. Conversely, if the five units have existed for some time, there would appear to be no further aggravation of the situation as a result of the approval of this application.

If this application is approved, the variance should be tied to the existing building on the site. Any redevelopment of this site would then be required to meet the parking and loading requirements."

And further advised, verbally, regarding the amended application:

"Our comments remain the same."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. There are no road allowance widenings anticipated at this time. Any works which may occur within the Cannon Street East or Chestnut Avenue road allowance must conform to their respective Roads/Streets By-law."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. However, if the application is approved, an Official Plan Amendment is not required.
2. The proposal does not comply with the intent of the approved Gibson Neighbourhood Plan. However, if the application is approved, an amendment to the Neighbourhood Plan is not required.
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan;
 - ii) it is an overintensification of land use in that adequate parking cannot be provided. In this regard, the Traffic Department has advised that there are existing parking problems in the area and they are unable to support the proposal;
 - iii) approval of the application would encourage other similar applications which, if approved, would change the character of the area and undermine the established neighbourhood; and,
 - iv) it is recognized that the applicants are legally entitled to use the building as a non-conforming three-family dwelling and a beauty salon. However, legal non-conforming uses are intended to cease to exist over time. In the long term, the land use is intended to be in conformity with the Official Plan, the Neighbourhood Plan, and the Zoning By-law. The fact that the beauty salon has ceased to exist indicates that the use of the property is moving towards conformity with the applicable plans. With regard to the current application, approval of the proposal would aggravate an existing non-conforming situation which is intended to cease to exist.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

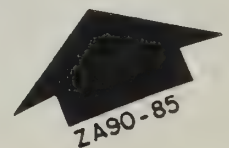
MLT:ma
WPZA9085



Legend



Site of the Application



APPENDIX A

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO

526-2420

BUILDING
ARIC

3000

ZONING VERIFICATION CERTIFICATE

107.80ER

3000

FOR 585 Cannon Street East Part Lot 65, Part Lot 68 8 55 North
MUNICIPAL NO STREET LOT NO SIDE OF STREET

BETWEEN _____ STREET AND _____ STREET

OWNER JOHN KENNETH WOOD and SIEVEN WOOD ADDRESS _____PROPOSED USE rental apartments
(BE SPECIFIC)PRESENT USE rental apartments NUMBER OF DWELLING UNITS XX 5
(BE SPECIFIC)EXISTING BUILDING ☒ SIGNATURE for Ruth Leske
INFORMATION REQUESTED BY THE _____PROPOSED BUILDING ☐ AND ADDRESS TO WHICH CERTIFICATE → NAME JOSEPH MAZIARZ
WILL BE RETURNED.VACANT LAND ☐ ADDRESS 20 Jackson Street West, Suite 220SURVEYS (2) YES ☐ Hamilton, Ontario, L8P 1L2ATTACHED? NO ☒ DATE February 14, 1990

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY.

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A D DISTRICTSEE SECTION 10 OF ZONING BYLAW 8593 AS AMENDED BY BYLAW No. _____AND COMMITTEE ADJUSTMENT No. _____ DISTRICT MAP No. E-22THE PROPOSED USE: IS PERMITTED ☐ IS NOT PERMITTED ☒ IS A LEGALLY ESTABLISHED NON CONFORMING USE ☐THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES ☒ NO ☐ for future developmentCOMMENTS Three dwelling units and a beauty salon have been previously recognized as a legal non-conforming use.IMPORTANT: - THIS IS A ZONING VERIFICATION ONLY.
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FROM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZONING VERIFICATION CERTIFICATE ISSUED BY R. S. / L. King/ga FEES 30.00
ZV No. 55987 DATE Feb. 27/90

FILE COPY APPENDIX B



FILE NO

| | |
|---------------------------|----------------------------------|
| ED TO: Stephen Wood | LOCATION: 585 Cannon Street East |
| John Wood | HAMILTON, Ontario. |
| 689 Stone Church Road W | |
| Hamilton, Ontario L9B 1A5 | |

TAKE NOTICE THAT THE use of the premises
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER, THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY FORTHWITH WITHIN ninety (90) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW.

| | | | |
|-----------------|-----------|-----------------------|-----------|
| REGISTERED MAIL | June 6/90 | S. Kuczerova 546-3906 | June 6/90 |
| RECEIVED BY | DATE | SIGNATURE | DATE |

ONE DIRECT 1-800-546-2782

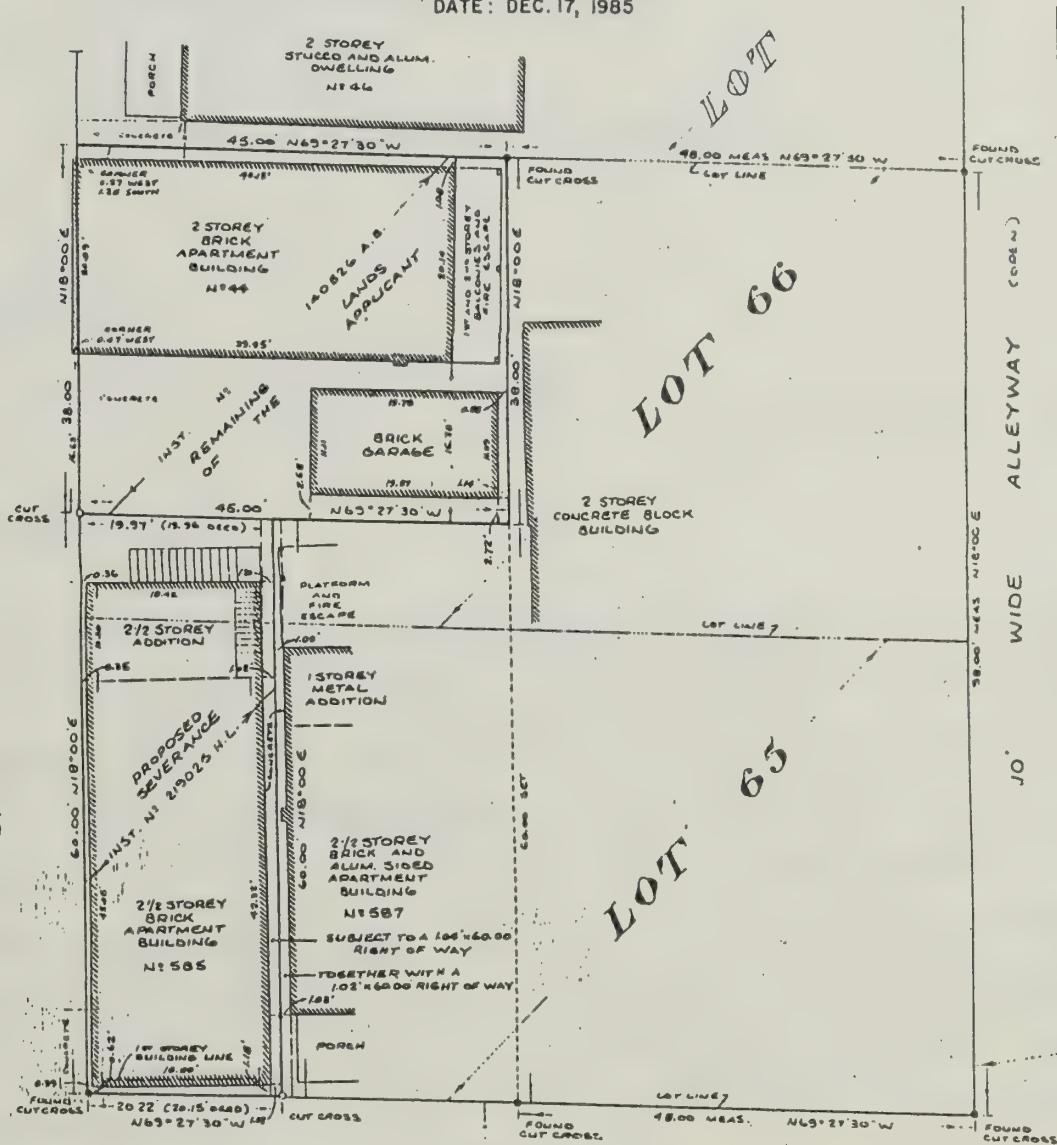
ANALYSIS

100

DATE: DEC. 17, 1985



APPENDIX D



12.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: April 18, 1991
(ZA-90-32; Eleanor Neighbourhood)

REPORT TO: S.K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

SECOND REPORT

Request for changes and a modification in zoning - Nos. 829, 837, 845 and 867 Rymal Road East.

RECOMMENDATION:

- A. That Amended Zoning Application 90-32, Jerome Calzonetti, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block "3"), and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit townhouse development on Blocks "1" and "2", commercial uses including a gas station, a variety store, a bank, a barber shop, a laundry or dry cleaners store and a restaurant (do-nut shop, deli sub shop) on Block "3", and single-family dwellings on Block "4" for property located at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
- i) The townhouse development proposed for the westerly portion of Block "2" conflicts with the intent of the approved Eleanor Neighbourhood Plan, in that it represents an intrusion of a multiple-family development into an area zoned "C" (Urban Protected Residential, etc.) District and designated for "SINGLE and DOUBLE RESIDENTIAL" use; and,

- ii) The proposed gas station use conflicts with the intent of the approved Eleanor Neighbourhood Plan, in that the subject lands (Block "3") are designated for "COMMERCIAL AND APARTMENTS". In this regard, a gas station is not a neighbourhood type commercial use and is considered inappropriate.

B. That approval be given to amended Zoning Application 90-32, Jerome Calzonetti, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1"), from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified (Block "3"), and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "4"), to permit townhouse development on Blocks "1" and "2", commercial uses including a variety store, a bank, a barber shop, hairdressing establishment or beauty parlour, a collecting or distributing station for a laundry or dry cleaner, and a restaurant (do-nut shop, deli, sub shop) on Block "3", and single-family dwellings on Block "4", for property located at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- iii) That the lands described as Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- iv) That the lands described as Block "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- v) That the "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593 applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - a) That Section 10E(2)(a)3 shall not apply;

- b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1";
- c) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the westerly and northerly property lines and along the easterly lot line of Block "1";
- vi) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to Block "3" be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 14A(1) of By-law No. 6593 only the following commercial uses shall be permitted:
 - a) a variety store;
 - b) a bank;
 - c) a barber shop, hairdressing establishment or beauty parlour;
 - d) a collecting or distributing station for a laundry or dry cleaner;
 - e) a restaurant; and,
 - f) signs in accordance with Section 14A of By-law No. 6593.
 - b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines;
 - c) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.
- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-38D & E-38E be notated S- ;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D & E-38E for presentation to City Council;
- ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- x) That the following changes be made to the approved Eleanor Neighbourhood Plan:

Block "2" - redesignation of the lands from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING";

Block "3" - redesignation of the lands from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

That the 10' walkway between Eaglewood Drive and Rymal Road East be closed.

- C. That the Transport and Environment Committee be requested to consider the closure and disposal of the walkway lands.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as APPENDIX "B", on the following basis:

Block "1" - From: "AA" (Agricultural) District
To: "RT-20" (Townhouse-Maisonette) District

Block "2" - From: "C" (Urban Protected Residential, etc.) District
To: "RT-20" (Townhouse-Maisonette) District

Block "3" - From: "C" (Urban Protected Residential, etc.) District
To: "HH" (Restricted Community Shopping and Commercial, etc.) District
modified

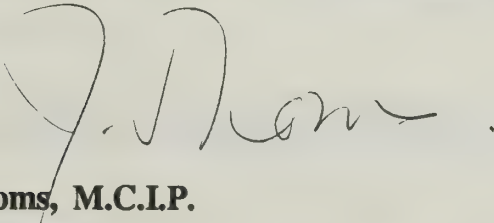
Block "4" - From: "AA" (Agricultural) District
To: "C" (Urban Protected Residential, etc.) District

The effect of the By-law is to permit future townhouse development on Blocks "1" and "2", single-family dwellings on Block "4" and only the following commercial uses on Block "3":

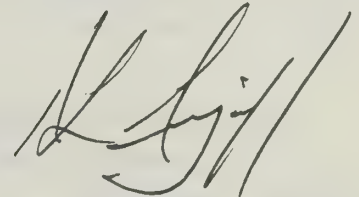
- a) a variety store;
- b) a bank
- c) a barber shop, hairdressing establishment or beauty parlour;
- d) a collecting or distributing station for a laundry or dry cleaner;
- e) a restaurant; and,
- f) business identification signs in accordance with Section 14A of By-law No. 6593.

In addition, the By-law provides for the following variances as special requirements:

- To prohibit street townhouse development on Blocks "1" & "2";
- To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly and northerly property lines of Blocks "1" and "2", and along the easterly lot line of Block "1";
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the westerly and northerly property lines of Block "1" and "2", and along the easterly lot line of Block "1".
- To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and westerly lot lines of Block "3";
- To require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines of Block "3".



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed changes in zoning is to permit future development for townhouses for lands shown as Blocks "1" and "2", commercial uses including a gas station, a variety store, a bank, a barber shop, a laundry or dry cleaners store and, a restaurant (do-nut shop, deli, sub shop) for land shown as Block "3", and single family dwellings for lands shown as Block "4", as shown on the attached map marked as APPENDIX "A".

Previous Application

At its meeting held on January 3, 1990 the Planning and Development Committee DENIED Zoning Application 88-111. The proposal involved changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District to permit the construction of a strip commercial plaza on the subject lands. The application was denied for the following reasons:

- "a) The proposal conflicts with the intent of the Official Plan which designates the majority of the lands "Residential".
- b) It conflicts with the recently approved Eleanor Neighbourhood Plan which designates the site "Commercial and Apartments" (minimum 50% residential), "Attached Housing" and "Single and Double Housing". The intent of the "Commercial and Apartments" designation is to allow for mixed use developments and not solely for commercial purposes.
- c) Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan".

At its meeting held on January 30, 1990, City Council adopted the recommendation of the Planning and Development Committee to DENY the application.

Land Severance Applications

At its meeting held on May 1, 1990 the Regional Land Division Committee considered and approved Land Severance Applications H-59 & 60-90 which provided for the following land severances (see APPENDIX "C"):

- H-59-90 - To convey a vacant parcel of land measuring 12.200 m x 30.195 m for residential purposes, and to retain the balance of the holding consisting of two parcels of land, one measuring 12.200 m x 30.195 m, the other measuring 12.278 m x 30.195 m for residential purposes.

- H-60-90 - To convey an irregular shaped parcel of land having a frontage of 12.779 m and lot area of 385.45 m² for residential purposes, and to retain the balance of the holding also irregular in shape having a frontage of 11.474 m and lot area of 853.066 m² (Blocks 5 & 7) for residential purposes.

On February 19, 1991 the Regional Land Division Committee approved land severance application H-14-91 which provided for the following severance:

- H-14-91 - To convey a parcel of land having a frontage of 45.8 m and lot area of 2428.8 m² for commercial purposes (Block "3" - APPENDIX "A") and to retain the balance of the holding (Block "2" - APPENDIX "A") measuring 69.7 m x 72.7 m for residential purposes.

The land severance application was approved subject to a condition that the land be appropriately rezoned.

- Revisions to the Eaglewood Manor Draft Plan of Subdivision:

At its meeting held on October 24, 1990, the Planning and Development Committee deleted Block "2" from the conditions of draft approval (condition K) of the Eaglewood Manor Draft Plan of Subdivision, Plan 62M-622 Regional File No. 25T-87040. Removal of this condition permitted Block "22" to be developed on it own as it meets with all the zoning requirements (see APPENDIX "B").

At its meeting held on October 30, 1990, City Council adopted the recommendation of the Planning and Development Committee to amend condition K noted above.

- Current Application

At its meeting held on February 20, 1991 the Planning and Development Committee TABLED the application in order to give the applicant and the owner of the abutting lands an opportunity to work on an agreement on the land use for their respective properties. The Committee also directed that a neighbourhood meeting be held to consider the possibility of closure of the walkway on the Rymal Road East lands.

• Public Meeting Re: Walkway

On March 27, 1991 a Public Meeting was held to consider the status of the walkway between Eaglewood Drive and Rymal Road East within the Eleanor Neighbourhood. Six members of the public attended. After reviewing the pros and cons of the walkway, it was decided that there was support for eliminating it, and no support for its retention. Therefore, the walkway should be closed and the land offered to adjacent owners. In this regard, it is recommended:

1. That the Eleanor Neighbourhood Plan be amended by deleting the 10' walkway between Eaglewood Drive and Rymal Road.
2. That the Transport and Environment Committee be requested to consider the closure and disposal of the walkway.

• Agreement of Purchase and Sale

On March 19, 1991 a letter was received from Selvestri Investments advising that an agreement of Purchase and Sale had been made between the land owners 456941 Ontario Ltd. and 483466 Ontario Ltd., (see APPENDIX "D"). In this regard, the applicant has amended the application by requesting a rezoning of Block "4" (APPENDIX "A") from the "AA" District to the "C" District. Originally, this block was to be included as part of Block "1" for townhouses. The applicant has advised that the subdivision of these lands will be the subject of a future land severance application(s) through the Regional Land Division Committee.

APPLICANT:

Jerome Calzonetti, owner and prospective owner.

LOT SIZE AND AREA:

- 201.64 m (661.5 ft.) of lot frontage on Rymal Road East;
- an average lot depth of 62.5 m (205.29 ft.); and,
- approximately 0.6 ha (1.49 ac.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|---|--|
| <u>Subject Lands</u> | three, vacant single-family dwellings and a vacant restaurant | "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | vacant lands and single-family dwellings | "AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "RT-20" (Townhouse-Maisonette) District modified (recently approved ZA-90-16) |
| to the south | single-family dwelling, vacant lands and townhouses | "AA" (Agricultural) District, "R-4" (Small Lot Single-Family Detached) District and "RT-10" (Townhouse) District |
| to the east | vacant | "G" (Neighbourhood Shopping Centre, etc.) District |
| to the west | single-family dwellings | "C" (Urban Protected Residential, etc.) District |

OFFICIAL PLAN:

Designated in part "RESIDENTIAL" (Blocks "1" & "2") and in part "COMMERCIAL" (Block "3") on Schedule A - Land Use Concept of the Official Plan and subject to, among others, the following policies:

Townhouse Development (Blocks "1" and "2")

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density development will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal to permit townhouse development on Blocks "1" and "2" and single-family development on Block "4" complies with the intent of the Official Plan.

Commercial Development (Block "3")

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to and parking on, the premises to do business.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.23 Off-street parking and loading will be required within predominately Highway Commercial areas, and will be provided by the developers or owners of commercial development.

A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automobile repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

- i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersection of major roads, and in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.

A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses."

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Use; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses."

The proposed commercial uses on Block "3" would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are located within the approved Eleanor Neighbourhood Plan and are designated as follows:

- Block "1" - "ATTACHED HOUSING"
- Blocks "2" - "COMMERCIAL and APARTMENTS"
and "3"
- Block "4" - "SINGLE AND DOUBLE RESIDENTIAL"

The proposal does not comply with the intent of the approved Eleanor Neighbourhood Plan. Approval of the application would require redesignation of Block "2" from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING", and redesignation of Block "3" from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. The sketch plan does not provide sufficient information to determine compliance with the provision of Section 10E and Section 14A of Zoning By-law 6593.
2. A portion of the lands known as Block 30 of Plan 62M-622 has been dedicated to the City for the purpose of public walkway. This walkway shall be considered into the proposed development of these lands."

- The Traffic Department has advised that:

- "1. We find the request to rezone the lands to "RT-20" to be satisfactory provided that no street townhouse be permitted frontage onto Rymal Road.
2. The applicant is also requesting to rezone a portion of the above-noted property to "HH" modified to permit a restaurant only (donut shop). It is our understanding that a donut shop is not defined in the zoning by-law and that the development of these lands cannot be restricted to such a use. The committee should be advised that, although the applicant states the intent of constructing a donut shop on these lands any restaurant including high traffic generators, could be developed at this location.
3. We recommend that any development of the subject lands, as a result of the zoning change, be subject to site plan control to facilitate a comprehensive review of the access, parking and loading.
4. The applicant should be advised that future channelization of the intersection may restrict access to right turns in and out only."

With regard to the proposed additional uses requested by the applicant, the Traffic Department has no further comments to those previously submitted.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. The designated road allowance width of both Rymal Road East and Upper Gage Avenue is 36.58 m. In accordance with this designation, sufficient lands should be dedicated to the Region to establish the Upper Gage Avenue road allowance

18.29 m from the centreline of the original road allowance and on Rymal Road East from the centreline of construction. A 12.19 m x 12.19 m daylight triangle should also be dedicated to the Region at the corner of Rymal Road East and Upper Gage Avenue from the widened limits of both streets.

Any works within either the Upper Gage Avenue or Rymal Road East road allowances, as widened, must conform to the Region's Road Use By-law."

- The Hamilton Region Conservation Authority and The Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Eleanor Neighbourhood Plan. Approval of the application would involve the following changes to the Plan:

Block "2" - redesignation from "COMMERCIAL and APARTMENTS" to "ATTACHED HOUSING";

Block "3" - redesignation from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

3. The proposal to permit townhouse development and limited commercial development on three blocks as opposed to mixed use commercial and apartment development has merit as both types of uses implement the long term goals of the plan. However, the proposal as submitted cannot be supported for the following reasons:
 - i) The townhouse development proposed for the westerly portion of Block "2" conflicts with the intent of the approved Eleanor Neighbourhood Plan, in that it represents an intrusion of a multiple-family development into an area zoned "C" (Urban Protected Residential, etc.) District and designated for "SINGLE and DOUBLE RESIDENTIAL" use; and,
 - ii) With regard to the proposed gas station use, the Eleanor Neighbourhood Plan was recently amended to provide for "COMMERCIAL AND APARTMENT" development on part of Blocks "1" & "2" and all of Block "3". In this regard, all of the requested commercial uses, except for the gas station, are permitted as-of-right in the commercial/residential districts and the neighbourhood commercial

districts. Given the intent of the approved neighbourhood plan, the requested gas station use is considered inappropriate and cannot be supported.

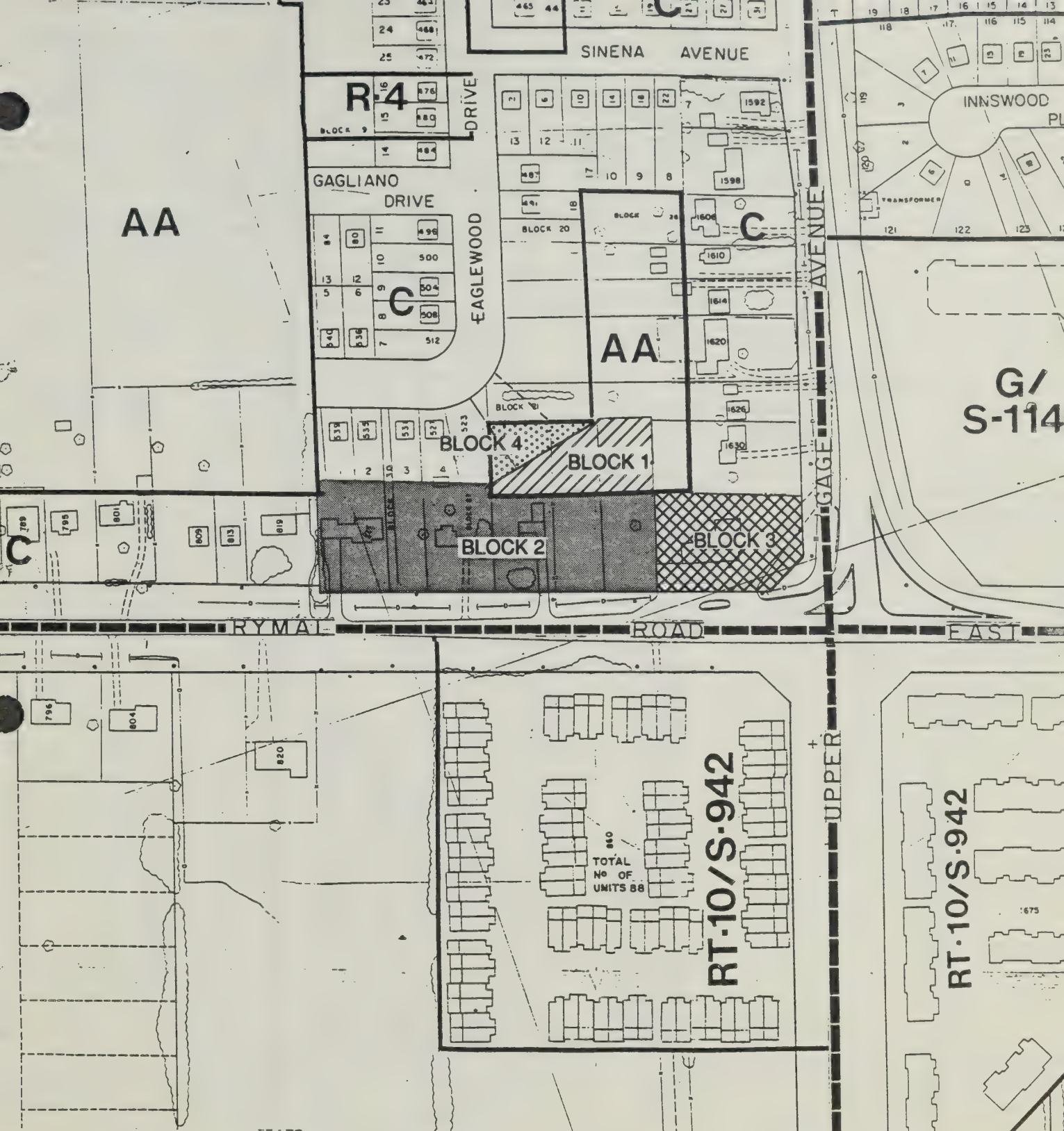
4. In light of the foregoing comments, consideration could be given to an amended zoning application to permit the proposed townhouse development on the lands shown as Blocks "1" and "2", and only a variety store, a bank, a barber shop, hairdressing establishment or beauty parlour, a collecting or distributing station for a laundry or dry cleaner and a restaurant (do-nut shop, deli, sub shop) on the lands shown as Block "3" and single family development on lands shown as Block "4" on the attached map marked as APPENDIX "B" for the following reasons:
 - a) it would comply with the intent of the Official Plan;
 - b) it would implement the long term goals and objectives of the Eleanor Neighbourhood Plan by providing for multiple family and neighbourhood commercial development at this location;
 - c) it is suitably located on the periphery of the Eleanor Neighbourhood at the intersection of two major roads (Rymal and Upper Gage);
 - d) it is situated on a public transit route;
 - e) it would be compatible with existing and proposed development in this area including single-family and townhouse development to the north and south, commercial development to the east and single-family development to the west.
5. The "RT-20" (Townhouse-Maisonette) District zoning proposed for Blocks "1" and "2" would be appropriate for this development. In the absence of a preliminary site plan for the development indicating details of the proposal, the developer must satisfy the "RT-20" (Townhouse-Maisonette) District regulations. In keeping with the concerns of the Traffic Department, it is suggested that the amending by-law prohibit "street townhouse" development.

In addition, the amending by-law should provide for a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along those portion of Blocks "1" and "2" which adjoin the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District. This would provide for privacy and protection for existing and future single-family dwellings at these locations.

6. The "HH" (Restricted Community Shopping and Commercial) District zoning proposed for Block "3" would be appropriate for the proposed commercial uses. In order to limit the site to only those uses, excluding the gas station, it would be appropriate to list them in the amending by-law. In addition, the by-law should provide for signs in accordance with Section 14A of the Zoning By-law. In order to provide privacy and protection for the adjoining residential development to the north and west, it is suggested that the amending by-law require a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines.
7. The "C" (Urban Protected Residential, etc.) District zoning proposed for Block "4" would be appropriate for the proposed single family development as it would establish uniform "C" zoning and complete the development pattern proposed for the approved Eleanor Neighbourhood Plan.
8. Both the "RT-20" (Townhouse-Maisonette) District and the "HH" (Restricted Community Shopping and Commercial) District are subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. Matters such as landscaping, grading, parking, access, loading, fencing, lighting, signs, etc. can be further reviewed at the site plan approval stage of development.
9. In keeping with the findings of the Public Meeting held on March 27, 1991, respecting the walkway, it is recommended that:
 1. The Eleanor Neighbourhood Plan be amended by deleting the 10' walkway between Eaglewood Drive and Rymal Road; and,
 2. The Transport and Environment Committee be requested to consider the closure and disposal of the walkway.





CONCLUSION

On the basis of the foregoing, support could be given to an amended application.



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 2 |  | "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, Modified. |
| BLOCK 4 |  | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. |

BEING A SUBDIVISION OF

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1:250

J. D. BARNES LIMITED
1989

H-60-90

DATE: APRIL 3, 1990

NOT TO SCALE

SHEET 2 OF 2





SILVESTRI INVESTMENTS

120 King Street West, Suite 1000, Hamilton, Ontario L8P 4V2 • 521-1144 Fax 528-6328

March 19, 1991

The Corporation of the
City of Hamilton
Planning & Development Committee
City Hall
Hamilton, Ontario
L8N 3T4

RE: Application No. #2A90-32

As per the Planning and Development meeting in regards to the above mentioned application on Wednesday February 20, 1991. An agreement of Purchase and Sale has been made between the land owners 456941 Ontario Ltd. and 483466 Ontario Ltd.

| PLANNING & DEVELOPMENT
LOCAL PLANNING DEPARTMENT | | | | |
|---|-------|-------------|-------|------|
| File No. | | MAR 19 1991 | | |
| TO | STAFF | INIT. | INFO. | ACT. |
| DIR. | | | | |
| PR & A. | | | | |
| NEIGH. | | | | |
| DEV. | | | | |
| E & U.D. | | | | |
| STAFF | | | | |
| CART. | | | | |
| ADMIN. | | | | |

456941 ONTARIO LTD.

Per:

483466 ONTARIO LTD.

Per:



April 10, 1991

The Corporation of the
City of Hamilton
Planning and Development Committee.
City Hall
Hamilton, Ontario
L8N 3T4

RECE

APR 11

CITY CLERKS

Dear Planning Department:

Re: 2A-90-32

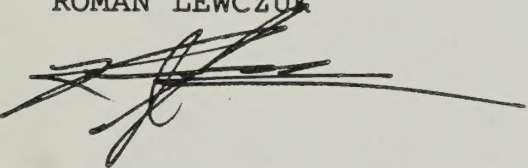
There is already a 32 unit site being developed on Upper Gage. (1606 to 1626 inclusively). If the site (block 1 & 2) is permitted for RT-20 it would increase the density in this all ready over congested and built-up area of townhouses putting a further burden on the community and it's facilities.

If the northwest corner of Block 1 is rezoned RT-20 and not C, this will not conform to the unity of the street, if this section of Block 1 is zoned RT-20, there will be no incentive for this land owner to try and come to a mutual agreement in having lots put onto Eaglewood Drive.

This site on the neighbourhood review plan was supposed to be mostly commercial, i.e. Block 3 larger, I still fell that a higher commercial area for these sites would be beneficial to the area residences.

Yours truly,

ROMAN LEWCZUK



ACCOPRESS®



| | | |
|-------|-----------------|--------|
| 25070 | YELLOW/JAUNE | BY2507 |
| 25071 | BLACK/NOIR | BG2507 |
| 25072 | BLUE/BLEU | BU2507 |
| 25073 | R. BLUE/BLEU R. | BB2507 |
| 25074 | GREY/GRIS | BD2507 |
| 25075 | GREEN/VERT | BP2507 |
| 25077 | TANGERINE | BA2507 |
| 25078 | RED/ROUGE | BF2507 |
| 25079 | X. RED/ROUGE X. | BX2507 |

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